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Washington, Friday, June 2, 1944

Regulations

TITLE 31—MONEY AND FINANCE: —TREASURY

Chapter I—Monetary Offices

[General License 32A, Amdt.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

FOREIGN FUNDS CONTROL; REMITTANCES FOR LIVING EXPENSES IN LIBERATED AREAS

JUNE 1, 1944.

Amendment to General License No. 32A, under Executive Order No. 8389, as amended, Executive Order No. 9193, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

General License No. 32A (9 F.R. 3489) is hereby amended by changing § 131.32 (a) (2) thereof to read as follows:

§ 131.32a General License No. 32A—
(a) Certain remittances to specified liberated areas for living expenses authorized. * * *

(2) If the payee is not a citizen of the United States, the total of all remittances to such payee and his household effected in any one calendar month under this general license may not exceed \$50;

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; EO 8389, April 10, 1940, as amended by EO 8785, June 14, 1941, EO 8832, July 26, 1941, EO 8963, Dec. 9, 1941, and EO 8998, Dec. 26, 1941; EO 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

D. W. BELL,

Acting Secretary of the Treasury.

[F. R. Doc. 44-7903; Filed, June 1, 1944; 10:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Foreign Economic Administration

Subchapter B—Export Control

[Amdt. 178]

PART 811—BLANKET LICENSE "BLT"

PHARMACEUTICAL COMMODITIES

Paragraph (f) of § 811.2 General provisions is hereby amended by adding to the commodities listed therein the following commodities:

Commodity	Schedule B Number
Pharmaceutical chemicals:	
Bismuth carbonates and mixtures	8396.34
Bismuth chlorides and mixtures	8396.30
Bismuth gallates and mixtures	8396.35
Bismuth iodides	8346.01
Bismuth nitrates and mixtures	8396.31
Bismuth oxide and mixtures	8396.32
Bismuth saccharate and mixtures	8396.36
Bismuth sulfates and mixtures	8396.33
Bismuth salts and compounds, other	8396.38
Bromine	8344.01
Camphor, natural	8329.95
Ethyl ether	8329.70
Ethylene dibromide	8344.15
Potassium bromide	8344.02
Potassium iodides	8346.10
Reagent chemicals for laboratory use	8293.70
Sodium bromide	8344.03
Thymol	8329.93
Drugs, pharmaceuticals, medicinals and proprietary preparations:	
Empty gelatine capsules	0099.00
Drugs, herbs, leaves and roots, crude:	
Aconite root and leaves	2203.27
Arnica flowers, leaves, or root, whole, granulated or powdered	2203.33
Belladonna leaves and root	2203.01
Cascara bark	2201.00
Cinchona bark	2203.04
Colchicum roots and seeds	2203.23
Digitalis seed	2203.09
Ginseng	2205.00
Hyoscyamus (Henbane)	2203.11
Mandrake root (Mayapple root or podophyllum)	2206.00
Nux vomica	2203.15

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(Continued on next page)



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NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at \$3.00 per book. The following are now available:

- Book 1: Titles 1-3 (Presidential documents) with tables and index.
- Book 2: Titles 4-9, with index.
- Book 3: Titles 10-17, with index.
- Book 4: Titles 18-25, with index.

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Commodity	Schedule B Number
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Drugs, herbs, leaves and roots, crude—Continued.	
Red squill	2209.21
Stramonium	2209.25
Other crude vegetable drugs (Include deer tongue leaves)	2209.98
Gums and resins, other:	
Arabic tragacanth, Karaya	2189.98
Gum benzoin	2189.93
Medicinal and pharmaceutical preparations:	
Biologics:	
For animal and veterinary use	8120.00
Glandular products, organo-therapeutics, enzymes, ferments, and culture media (Include thyroid, ovarian, pituitary, insulin, etc.)	8123.00

Commodity	Schedule B Number
Drugs, pharmaceuticals, medicinals and proprietary preparations—Continued.	
Medicinal and pharmaceutical preparations—Continued.	
Biologics—Continued.	
Serums and antitoxins for human use	8131.00
Vaccines for human use	8132.00
Druggists' nonproprietary preparations:	
Elixirs, tinctures, fluid extracts, ampoules, and similar liquid solutions:	
Fluid extract of belladonna leaf, and root tincture of belladonna, U. S. P. and belladonna liniment	8124.03
Fluid extract and tincture of hyoscyamus	8124.13
Fluid extract and tincture of stramonium and stramonium ointment	8124.10
Elixirs, tinctures, fluid extracts, ampoules, and similar liquid solutions: n. e. s.	8124.08
Fish oils and fish liver oils and concentrates thereof (medicinal grade)	8110.05
Menthol	8126.03
Tablets, pills, capsules, powders, ointments and similar manufactures, n. e. s.: Acetylsalicylic acid (aspirin) in tablet form	8127.02
Extract of belladonna, and belladonna ointment and plaster, U. S. P.	8127.03
Extract of hyoscyamus (Henbane)	8127.04
Extract of stramonium	8127.05
Scopolamine (Hyoscine)	8127.06
Tablets, pills, capsules, powders, ointments, and similar manufactures, other, n. e. s.	8127.08
Vitamins and vosterols, n. e. s. (Include food hormones, concentrates A, B, C, D, E, F, G, P, and X, synthetics such as ascorbic acid, thiamin hydrochloride, yeast concentrate, wheat germ oil, etc.)	8110.08
Household medicinal chemicals and pharmaceuticals in small packages:	
Liquids (Include camphorated oil, aromatic spirits of ammonia, sweet spirits of nitro, Dobell solution, chloroform liniment, medicinal oils, rubbing alcohol, rhubarb and soda, hydrogen peroxide, etc.)	8142.00
Solids (Include alum, boric acid, sulphur, soda, epsom and rocheite salts, fuller's earth, zinc stearate, bicarbonate of soda, etc.)	8141.00
Medicinal chemicals for prescription use:	
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Atropine methyl bromide	8135.03
Atropine methylnitrate	8135.04
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Atropine valerate	8135.10

Commodity	Schedule B Number
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Medicinal chemicals for pre- scription use, n. e. s. (in- clude pharmaceutical dex- trose (glucose)).....	8135.98
Proprietary medicinal prepara- tions:	
Asthma, catarrh, and hay-fever preparations, including in- halants.....	8155.00
Belladonna liniment.....	8151.01
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Belladonna plasters, U. S. P.....	8150.01
Plasters, other, n. e. s.....	8150.98
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Corn and foot remedies.....	8149.00
Digestive preparations, other (not containing quinine).....	8165.98
Extract and fluid extract of belladonna leaf and root; tincture of belladonna, U. S. P.; belladonna ointment, U. S. P.; homatropine (bel- ladonna root).....	8180.03
Extract and fluid extract of stramonium (Jimson weed).....	8180.14
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Headache, neuralgia, and pain remedies, other (not con- taining quinine).....	8167.98
Laxatives, purgatives, and cathartics.....	8161.00
Milk of magnesia.....	8162.00
Mouth washes, gargles, and personal antiseptics.....	8148.00
Salves and ointments for burns, cuts, skin diseases, insect bites, inflammation, etc.....	8152.00
Salves and ointments for coughs, colds, catarrh, and bronchial infection.....	8153.00
Tincture of stramonium, stram- onium ointment, and scopolamine (hyoscyne) (stramonium).....	8180.19
Tonics, blood purifiers, emul- sions, and appetizers, other (include medicated wines and bitters) (not contain- ing quinine).....	8160.98
Other proprietary medicinal preparations, n. e. s.....	8180.98

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 238, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: May 30, 1944.

S. H. LEBENSBURGER,
Director, Requirements and Supply
Branch, Bureau of Supplies.

[F. R. Doc. 44-7890; Filed, June 1, 1944;
10:06 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 238 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 3, Revocation of Direction 2]

PAPER CUPS AND PAPER FOOD CONTAINERS

Direction 2 to Priorities Regulation No. 3 is hereby revoked. This revocation does not affect any liabilities incurred under the direction. The direction is superseded by Limitation Order L-336 as issued simultaneously with this revocation.

Issued this 1st day of June 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-7807; Filed, June 1, 1944;
11:03 a. m.]

PART 974—TOLUENE (TOLUOL)

[Allocation Order M-34, Revocation]

Section 974.1 Allocation Order M-34 is hereby revoked, effective when toluene becomes subject to allocation under General Allocation Order M-300, Appendix A, Schedule 21. This revocation does not affect any liabilities incurred under the order.

Use, delivery and acceptance of delivery of these materials prior to July 1, 1944, will be authorized on the basis of applications filed in the form heretofore prescribed in Order M-34.

Issued this 1st day of June 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-7903; Filed, June 1, 1944;
11:09 a. m.]

PART 3152—HEXAHYDRIC ALCOHOLS

[General Preference Order M-270, Revocation]

HEXAHYDRIC ALCOHOLS

Section 3152.1 General Preference Order M-270 is hereby revoked. This revocation does not affect any liabilities incurred under the order.

Hexahydric alcohols are subject to allocation under General Allocation Order M-300 as Appendix C materials, subject to Schedule 20, issued simultaneously with this revocation.

Use, delivery and acceptance of delivery of hexahydric alcohols prior to July 1, 1944, will be authorized on the basis of applications filed in the form heretofore prescribed in Order M-270. Allocations on applications for the pe-

riod June 15 to July 15 will be decreased to cover the period June 15 to July 1.

Issued this 1st day of June 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-7911; Filed, June 1, 1944;
11:09 a. m.]

PART 3216—MATERIAL ENTERING INTO THE OPERATION OF TRANSPORTATION SYSTEMS

[Preference Rating Order P-142, Direction 3]

ADVANCE AUTHORIZATION FOR SPECIAL ITEMS OF CAR MATERIALS

The following direction is issued pursuant to Preference Rating Order P-142:

(a) This direction permits railroad operators to place advance orders for the following items of car materials listed in paragraph (b) (2) of Order P-142:

Air Brakes—AB.....	Code No. CA
Hand Brakes—Power.....	Code No. CB
Brake Beams.....	Code No. CH
Couplers and Coupler Bodies.....	Code No. MA
Bolster Springs—Car.....	Code No. MC

subject to the following conditions:

(1) Advance orders for items under this direction may be placed for delivery during each of the three calendar quarters following the quarter in which the order is placed. Thus during the second quarter of 1944, advance orders may be placed for delivery in the third and fourth quarters of 1944 and the first quarter of 1945.

(2) The operator may order for delivery in each advance quarter up to 75% of the amount of each of the above items authorized for him under Order P-142 for the first quarter of 1944. With the exception of power hand brakes (Code CB), he may use the same preference ratings, to the same extent, as were authorized for the particular item for the first quarter of 1944. For power hand brakes, he may use only a rating of AA-3 for advance quarters, regardless of the ratings authorized for that item in the first quarter of 1944.

For example, if an operator was authorized in the first quarter of 1944 to buy 100 AB Air Brakes with AA-1 rating and 200 with AA-3 rating, he may, under this direction, place orders for each advance quarter for not more than 75 with AA-1 rating and 150 with AA-3 rating. Also, if he was authorized in the first quarter of 1944 to buy 10 power hand brakes with AA-1 rating and 50 with AA-3 rating, he may, under this direction, place advance orders each quarter for 45, all with AA-3 rating.

(b) Each operator must continue to apply each quarter on Form WPB-2535 for firm authorizations in accordance with paragraph (k) (3) of Order P-142. To the extent that the firm authorization on that form differs from the advance authorization for any item under this direction, orders must be cut back, or new orders may be placed, accordingly.

(c) This direction applies only to railroad operators under Order P-142 (serial numbers below 1000), and not to transit or other operators.

Issued this 1st day of June 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-7913; Filed, June 1, 1944;
11:03 a. m.]

PART 3270—CONTAINERS

[Limitation Order L-336]

PAPER CUPS AND PAPER FOOD CONTAINERS

The fulfillment of the requirements for the defense of the United States has created a shortage in the supply of paper cups and paper food containers and the material used in their manufacture, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

Definitions

§ 3270.61 *Limitation Order L-336—*
(a) *Definitions.* For the purpose of this order:

(1) "Paper cups and paper food containers" means all empty open nested paper cups and round nested paper food containers with or without lids. The term does not include flat envelope types of cup, wedge-shaped food pails or nested paper plates.

(2) "In-plant feeding" means the serving of food, drink or refreshments on the premises of a plant, business activity, governmental agency or institution to its employees when the food or drink is prepared on the premises of the plant, business activity, governmental agency or institution or when the food, or drink prepared in bulk (such as coffee or soup), is brought to the plant, business activity, governmental agency or institution and served in paper cups or paper food containers on the premises. It shall also include the serving of food, drink and refreshments by (i) military exchanges and service departments, (ii) hospitals serving their patients, (iii) service welfare organizations such as USO, Red Cross, etc., (iv) persons engaged in serving passengers in trains and in planes, and (v) educational institutions in serving their students. In-plant feeding includes the serving of food, drink and refreshments between meals as well as at meal-time. For instance, the use of paper cups for drinking water is included within the meaning of the term.

(3) "A caterer or concessionaire" means a person who has an agreement with an operator of a plant, business activity, governmental agency or institution to regularly provide in-plant feeding for its employees, and who prepares his food or drink on the premises of the plant, or brings his food, or drink prepared in bulk (such as coffee or soup), to the plant and serves it on the premises. It does not include persons supplying drink or refreshments in paper cups or paper food containers from outside the plant.

(4) "Hot drink cup" means any unwaxed tall cup, double-wrapped, or single-wrapped of comparable weight, which is suitable for dispensing hot liquids.

(5) "Cold drink cup" means any one or two-piece waxed cup of six-ounce size or larger.

(6) "Military exchanges and service departments" means U. S. Army and Marine Corps Post Exchanges; U. S. Navy and Coast Guard Ship's Service Departments; War Shipping Administration Training Organization Ship's Service activities,

General Restrictions

(b) *Prohibited uses.* No person shall sell or deliver the following types of paper cups if he knows or has reason to believe that they will be used for the purposes stated, and no person shall commercially use such paper cups for those purposes: (1) packages of cups for retail sales, (2) hot drink cups for any purpose other than in-plant feeding, (3) hot drink cups for serving cold foods or beverages, (4) paper cups to be served with individual bottled beverages in paper or glass containers (except for in-train feeding) and (5) portion control cups for party favors, or in any other form, for sale through retail stores.

(c) *Quantity limitation of hot drink cups.* No person shall commercially use more hot drink cups in any month than 80% of his average monthly consumption during the months of January through March 1944. This provision does not apply to the Army, Navy, military exchanges or service departments. However, the War Production Board may authorize a quota to a person who does not have one or an increase in quota, where there has been an increase in the number of production workers, installation of new in-plant feeding facilities, or where such action appears justified from the facts presented. Application for authorization of a quota to a person who does not have one or an increase in quota may be made by letter to the appropriate field office of the War Production Board.

(d) *Inventory.* No user shall accept delivery of any paper cups and paper food containers which will increase his inventory of any size and type to more than his reasonably anticipated requirements for the ensuing thirty days, except that the minimum standard commercial packing case quantity may be purchased whenever the purchaser's inventory is less than a 'thirty days' supply.

Restriction on Manufacturers

(e) *Maintenance of production of hot drink cups and flat bottom cold drink cups.* To meet the requirements of the armed forces and in-plant feeding operations, manufacturers of hot drink cups and flat bottom cold drink cups shall maintain a rate of monthly production of these items equivalent to the highest monthly production attained during 1943 and the first quarter of 1944 to the extent permitted by Paragraph (f) and subject to contingencies beyond his control.

(f) *Restriction on tonnage of paper stock to be processed.* No person shall accept more paper stock for the manufacture of paper cups and paper food containers in the second and third quarters of 1944 than the sum of the amounts determined to be his quota for those two quarters. A person's quota for the second quarter of 1944 is 100% of the amount that he used for the manufacture of paper cups and paper food containers in the fourth quarter of 1943. His quota for the third quarter of 1944 will be determined after the amount of pulp to be allocated to the entire indus-

try for that period has been determined. Any person who accepts delivery of more than his quota of paper stock for the second quarter must deduct the excess from his quota for the third quarter.

Restrictions on Distribution

(g) *Distribution of production between military and civilian requirements.* Regardless of preference ratings, each manufacturer of paper cups must set aside the following percentage of his production of paper cups in each month beginning with July 1944, for delivery to the Army and the Navy on orders received from them before the 15th of the preceding month:

17% of his monthly production of 6 to 9 oz. hot drink cups.
45% of his monthly production of 6 to 10 oz. flat bottom cold drink cups.
80% of his monthly production of 12 to 24 oz. flat bottom cold drink cups.

If he has not received orders from the Army or Navy by the 15th of the preceding month for the full amount of the set-aside, he may release any surplus for delivery on orders as specified below. He shall make up his set-aside of flat bottom cold drink cups within each of the two size groupings specified above from sizes in accordance with orders placed by the Army and Navy. Set-asides under this paragraph shall be computed on the basis of the number of cups.

The balance of each manufacturer's monthly production of hot drink cups and flat bottom cold drink cups shall be used exclusively to fill non-military orders and orders from domestic military exchanges and service departments in accordance with Priorities Regulation No. 1 and the provisions of this order.

Use of Preference Ratings

(h) *Assignment of ratings.* Any person may use the blanket MRO rating assigned to him by any regulation of the War Production Board (including CMP Regulation No. 5, CMP Regulation No. 5A and orders in the P or U series to buy paper cups and paper food containers for in-plant feeding, subject to the restrictions contained in this order.

(i) *Use of rating by caterer.* A caterer or concessionaire may use his customer's blanket MRO rating to buy paper cups and paper food containers for use in providing in-plant feeding to employees of the customer.

(j) *Ratings on application.* Preference ratings for users not included above and preference ratings differing from those assigned may be assigned on application by any person on Form WPB-541 (formerly PD-1A). The assignment of a rating to an applicant on this form will permit him to use that rating to get only the specific quantities and items authorized. This application shall be filed with the appropriate field office, and shall be given consideration on the basis of the requirements for extreme emergencies in in-plant feeding operations, disaster and blood donor feeding by the Red Cross or operating supplies for industrial plants.

(k) *Application and extension of ratings.* The ratings assigned pursuant to

or permitted to be used by this order may be applied or extended in accordance with Priorities Regulation No. 3. Ratings applied or extended to get paper cups or paper food containers may not be extended to obtain materials for use in their manufacture.

(l) *Equipment for use of chinaware.* No person may use his blanket MRO rating to purchase paper cups or paper food containers for the serving of hot food or beverages if such person is equipped to use chinaware or other containers. In the event that such equipment can only serve a portion of his needs, he may use his MRO rating to order only the quantity of paper cups or paper food containers required in excess of such equipment.

(m) *Paper cups for packaging purposes.* Attention is called to the fact that persons buying paper cups and paper food containers for use in packaging food or other products for shipment or delivery are not permitted to use blanket MRO ratings for this purpose. Persons engaged in in-plant feeding operations also may not use their blanket MRO ratings to buy paper cups and paper food containers which are to be sent to a food packer to be filled and returned to the plant for in-plant feeding.

Miscellaneous

(n) *Appeals.* Appeals from Order L-336 shall be filed by addressing a letter to the appropriate field office of the War Production Board.

The letter of appeal need not follow any particular form. It should state informally, but completely, the particular provisions appealed from, the precise relief desired, the reasons why denial of the appeal would result in undue and excessive hardship, and such other statistical and narrative information as may be pertinent.

(o) *Reports.* Any person affected by this order shall file such reports and questionnaires as the War Production Board may request from time to time, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(p) *Communications.* All inquiries relating to this order other than requests for authorization or appeals shall be addressed to War Production Board, Containers Division, Washington 25, D. C., reference Order L-336.

Issued this 1st day of June 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-7915; Filed, June 1, 1944;
11:08 a. m.]

PART 1195—BENZENE

[Allocation Order M-137, Revocation]

Section 1195.1 *Allocation.* Order M-137 is hereby revoked, effective when benzene becomes subject to allocation under General Allocation Order M-300, Appendix A, Schedule 22. This revoca-

tion does not affect any liabilities incurred under the order.

Use, delivery and acceptance of delivery of this material prior to July 1, 1944, will be authorized on the basis of applications filed in the form heretofore prescribed in Order M-137.¹

Issued this 1st day of June 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-7909; Filed, June 1, 1944;
11:09 a. m.]

PART 3293—CHEMICALS¹

[Conservation Order M-150, as amended
June 1, 1944]

AROMATIC SOLVENTS

Section 1227.1, Allocation Order M-150, is hereby amended to read:

§ 3293.171¹ *Conservation Order M-150—(a) Definitions.* For the purposes of this order:

(1) "Aromatic solvents" means Class A solvents and Class B solvents as defined herein.

(2) "Class A solvents" mean solvents or naphthas containing more than 30 per cent by volume of aromatic hydrocarbons, regardless of source, as determined by the analytical procedure described in "Approximate Analysis of Hydrocarbon Thinners" published in the Scientific Section Circular No. 568 of the National Paint, Varnish and Lacquer Association, November, 1938, pages 381 and 388, and having an A. S. T. M. 50% distillation point lower than 330° F. (165.5° C.). The term does not include solvents containing toluene, which are defined below as "Class B solvents", or benzene as defined in Order M-300, Schedule 22, toluene as defined in M-300, Schedule 21, or xylene as defined in M-300, Schedule 23.

(3) "Class B solvents" mean toluene range solvents from petroleum or coal tar origin having a distillation range of 200° F. to 285° F. (93° C. to 140° C.), and containing more than 30 per cent by volume of aromatic hydrocarbon, as determined by the analytical procedure described in paragraph (a) (2) above. The term does not include solvents containing xylene which are defined above as Class A solvents, or benzene as defined in Order M-300, Schedule 22, toluene as defined in M-300, Schedule 21, or xylene as defined in M-300, Schedule 23.

(4) "Civilian order" means any purchase order which is not a military order.

(5) "Military order" means any purchase order for a product to be delivered to, or to be used on, or incorporated in, material or equipment delivered or to be delivered to the United States Army, Navy, Marine Corps, Coast Guard, Maritime Commission, the War Shipping Administration or to or for the account of any foreign country under the Act of March 11, 1941 (Lend-Lease Act).

(b) *Limitation on use of aromatic solvents.* On and after July 1, 1944, the

¹ Formerly Part 1227, § 1227.1 Allocation Order M-150.

use of aromatic solvents shall be limited in the following manner:

(1) *Class A solvents.* No person may use any Class A solvent for the production of dry cleaning fluid, printing press and type washes, or paint, varnish or lacquer remover which are to be sold on civilian orders, or for the production of coatings which are to be sold on civilian orders for any of the end uses shown on Schedule A.

(2) *Class B solvents.* No person may use any Class B solvents except for the production of coatings for the end uses shown on Schedule B attached to this order.

(c) *Changes in prohibited or permitted end uses.* The War Production Board may from time to time make whatever changes it may deem necessary in the prohibited end uses listed on Schedule A, or in the permitted end uses listed on Schedule B.

(d) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds for the appeal.

(e) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(f) *Violations.* Any person who willfully violates any provision of this order, or who in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(g) *Communications to War Production Board.* All communications concerning this order, unless otherwise directed, shall be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-150.

Issued this 1st day of June 1944.

WAR PRODUCTION BOARD,
By JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A—CLASS A SOLVENTS

Prohibited coating uses for class A solvents. Listed below are the end uses for which coatings containing Class A solvents are prohibited on civilian orders:

Code¹ and prohibited uses

- 0341 Railroad freight cars, maintenance.
- 0342 Railroad refrigerator cars, interior, new or maintenance.
- 0344 Railroad refrigerator cars, exterior, maintenance.
- 0346 Railroad tank cars, exterior.
- 0359 Trucks, maintenance, including parts.
- 0360 Automobiles, excluding parts.
- 0362 Trailers & carts (maintenance).

¹ Code symbols refer to the symbols appearing in the "Primary Products and End Use List" (WPB I-217) prepared by the Protective Coatings Section, Chemicals Bureau, War Production Board.

SCHEDULE A—CLASS A SOLVENTS—Con.

Code and prohibited uses—Continued

- 0365 Motorcycles & bicycles (maintenance).
- 0366 Skis.
- 0369 Road signs.
- 0370 Highway markings.
- 0430 Fluorescent lighting fixtures—domestic and institutional, maintenance.
- 0432 Fluorescent lighting fixtures—industrial, maintenance.
- 0440 Radio cabinets.
- 0507 Cranes, derricks, hoists and winches, maintenance.
- 0509 Industrial trucks and tractors (including trailers for tractors), maintenance.
- 0523 Other general purpose industrial equipment.
- 0543 Other special industrial machinery and equipment.
- 0552 Agricultural equipment (including farm tractors) motorized, maintenance.
- 0554 Agricultural equipment, horsedrawn, maintenance.
- 0709 Umbrella fabrics.
- 0712 Other foul weather fabrics.
- 0713 Women's and infants' sanitary wear.
- 0714 Waterproof sheeting.
- 0715 Non-allergic pillow cases and covers.
- 0725 Other waterproof goods.
- 0728 Book cloth and book binding.
- 0729 Baby carriage cloth.
- 0730 Oilcloth—except floor oilcloth (such as table and shelf oilcloth).
- 0731 Enamelled oilcloth or silk oilcloth.
- 0732 Floor oil cloth (Linoleum).
- 0734 Wall covering.
- 0735 Business machine covers.
- 0738 Upholstery (vehicle).
- 0737 Upholstery other than vehicle.
- 0739 Window hollandes (shade cloth).
- 0740 Display cloth.
- 0741 Shower curtains.
- 0745 Other curtain cloth.
- 0746 Printed textiles.
- 0748 Novelty case cloth.
- 0750 Luggage and kits.
- 0751 Handbags (except frames and handles).
- 0752 Belts.
- 0819 Sun goggles.
- 0821 Eye shades and visors.
- 0838 Safety equipment, not elsewhere specified.
- 1106 Safes.
- 1109 Mechanical pencils.
- 1110 Fountain pens.
- 1125 Other stationery and office supplies.
- 1201 Bedsteads and bunks.
- 1202 Trunks and foot lockers.
- 1206 Venetian blinds.
- 1207 Mirrors and picture frames.
- 1208 Wood furniture—except bedsteads and bunks.
- 1209 Metal furniture—except bedsteads and bunks.
- 1210 Store fixtures—wood.
- 1211 Store fixtures—metal.
- 1212 Prefabricated partitions and shelving—wood.
- 1213 Prefabricated partitions and shelving—metal.
- 1214 Industrial and factory furniture, i. e. bins, lockers, tables, stools, etc.
- 1301 Restaurant table tops.
- 1308 Other restaurant equipment—except table tops and refrigerators.
- 1309 Kitchen equipment—except, refrigerators.
- 1310 Laundry equipment and accessories—(except washing machines & ironers).
- 1401 Prefabricated wall board.
- 1402 Prefabricated flooring.
- 1403 Weather stripping.
- 1405 Heating insulation.

SCHEDULE A—CLASS A SOLVENTS—Con.

Code and prohibited uses—Continued

- 1406 Heating equipment (such as boilers, heating units, stoves, ranges, smoke pipe, pipe fittings, etc.).
- 1407 Plumbing (such as metal or nonmetal sanitary ware, pipe and pipe fittings, low pressure valves, etc.).
- 1408 Ventilation ducts.
- 1409 Other building supplies.
- 1430 Institutional—except hospital operating rooms.
- 1431 Industrial plants.
- 1432 Defense housing.
- 1435 Other buildings—commercial and residential.
- 1525 Other containers, closures, and parts, interior.
- 1526 Other containers, closures, and parts, exterior.
- 1545 Other packaging uses.
- 1601 Musical instruments.
- 1602 Bowling alleys and pins.
- 1603 Athletic equipment.
- 1605 Toys and games.
- 1606 Statuary.
- 1607 Baby carriages (except coated fabric).
- 1610 Handbag frames and handles.
- 1611 Umbrella frames and handles.
- 1620 Jewelry, novelties, cosmetic compacts and cigarette cases.
- 1623 Artificial flowers, feathers and plumes.
- 1624 Nail polish.

SCHEDULE B—CLASS B SOLVENTS

Permitted uses for Class B solvents. Listed below are the only end uses for which coatings containing Class B solvents are permitted:

1. Aircraft parts (as listed below):
 - 0201¹ Body and wing—metal.
 - 0202¹ Body and wing—wood and fabric.
 - 0203¹ Propellers.
 - 0204¹ Motors, generators and engines.
 - 0205¹ Fuel tanks and cells.
2. Barrage balloon fabric
3. Manufacturing and processing of synthetic rubber
4. Interior linings for cans and metal closures and interior liners for metal closures where such cans and closures are to be used for the packaging of foods, drugs and pharmaceuticals
5. Cable saturants and impregnating varnishes for coils and wound apparatus
6. Bonded mica for insulation purposes.

[F. R. Doc. 44-7910; Filed, June 1, 1944; 11:09 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 4, as Amended June 1, 1944]

ANHYDROUS HYDROFLUORIC ACID

§ 3293.1004 *Schedule 4 to General Allocation Order M-300—(a) Definition.* "Anhydrous Hydrofluoric Acid" means anhydrous hydrofluoric acid in liquid or gaseous form.

(b) *General restrictions.* Anhydrous hydrofluoric acid is subject to allocation under General Allocation Order M-300 as an Appendix A material. The initial allocation date is March 1, 1944. The allocation period is the calendar month,

¹ Code symbols refer to the symbols appearing in the "Primary Products and End Use List" (WPB I-217) prepared by the Protective Coatings Section, Chemicals Bureau, War Production Board.

and the small order exemption is 5 tons per month.

(c) *Suppliers' applications on Form WPB-2946.* Each supplier seeking authorization to deliver shall file application on Form WPB-2946 (formerly PD-601). The filing date is the 20th day of the month preceding the proposed delivery month. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M-300-4. The unit of measure is the ton. An aggregate quantity may be requested, without specifying customers' names, for delivery on small orders of 5 tons or less per person per month. Fill in Table II.

(d) *Customers' applications for authorization on Form WPB-2945.* Each person seeking authorization to use or accept delivery shall file application on Form WPB-2945 (formerly PD-600). Filing date is the 15th day of the month preceding the requested allocation month. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M-300-4, one copy (reverse side blank) to the supplier and retain one copy. File separate sets of forms for each different supplier. The unit of measure is the ton. In Column 3 specify each primary product, or specify "Resale" or "Export" if the anhydrous hydrofluoric acid is to be resold or exported as such. Fill in the other columns of Table I, and fill in Tables II and III as indicated. Leave Tables IV and V blank.

(e) *Budget Bureau approval.* The above reporting requirements have been approved by the Bureau of the Budget pursuant to Federal Reports Act of 1942.

(f) *Communications to War Production Board.* Communications concerning this schedule shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-4.

Issued this 1st day of June 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-7917; Filed, June 1, 1944; 11:09 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 20]

HEXAHYDRIC ALCOHOLS

§ 3293.1020 *Schedule 20 to General Allocation Order M-300—(a) Definition.* "Hexahydric alcohol" means d-sorbitol, mannitol and non-crystallizing sorbitol-isomeric mixtures of any and all proportions.

(b) *General provisions.* Hexahydric alcohols are subject to the provisions of General Allocation Order M-300 as an Appendix C material. The initial allocation date is December 15, 1942, when hexahydric alcohols first became sub-

ject to allocation under Order M-270 (revoked). The allocation period is the calendar month. The small order exemption per person per month is as follows:

	Pounds
d-sorbitol crystalline.....	25
Technical grade d-sorbitol (75% aqueous solution).....	50
Commercial grade non-crystalline sorbitol-isomeric mixtures.....	600
Mannitol-crystalline.....	50

Customers must furnish use certificates when ordering in amounts described in paragraph (f) and must file on Form WPB-2945 when ordering in amounts described in paragraph (e).

(c) *Special interim provisions.* Use, delivery and acceptance of delivery prior to July 1, 1944, will be authorized on the basis of applications filed in the form heretofore prescribed in the hexahydric alcohol Order M-270 (revoked). Allocations on applications for the period June 15 to July 15 will be reduced to cover the period June 15 to July 1.

(d) *Suppliers' applications on Form WPB-2947.* Each supplier seeking authorization to deliver shall file application on Form WPB-2947 (formerly PD-602). The filing date is the 20th day of the month preceding the proposed delivery month. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-20. The unit of measure is pounds. File a separate set of forms for each kind of hexahydric alcohol. In Table I first list in Column 1 the names of customers who have filed WPB-2945 forms with the applicant and in Column 1a specify "WPB-2945"; second, list in Column 1 the names of customers who have filed use certificates with the applicant and in Column 1a transcribe the uses stated in such certificates; third, specify in Column 1 "Aggregate small order deliveries" and leave Column 1a blank; fill in other columns as indicated. Leave columns blank relating to rolling stock requirements. Fill in Table II as indicated. Inventory of hexahydric alcohols previously allocated for the supplier's own manufacturing use should not be reported on Form WPB-2947 (but should be reported in Table II of Form WPB-2945).

(e) *Customers' applications on WPB-2945.* Each person seeking delivery of hexahydric alcohols in excess of the following amounts per month from all suppliers shall file application for authorization on Form WPB-2945 (formerly PD-600):

	Pounds
d-sorbitol-crystalline.....	1,000
Technical grade d-sorbitol (75% aqueous solution).....	6,000
Commercial grade non-crystalline sorbitol-isomeric mixtures.....	6,000
Mannitol-crystalline.....	1,000

The filing date is the 12th day of the month preceding the month for which allocation is requested. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-20, one copy (reverse side blank) to the supplier and retain one copy. The unit of measure

is pounds. File a separate set of forms for each kind of hexahydric alcohol. Fill in Column 3 as follows:

Ascorbic acid.
Chemical manufacture (specify).
Diabetic foods.
Electrolytic condensers.
Esters.
Explosives.
Gelatin and glue extender.
Laboratory reagent.
Legume innoculant.
Paper.
Pharmaceuticals (Identify).
Plasticizer for gelatin capsules.
Resins.
Textiles.
Miscellaneous.
Inventory (in original form).
Export (in original form).
Resale (in original form).

Leave Column 4 blank except opposite "export" in Column 3, in which case in Column 4 specify "Lend-Lease" or the destination and export license number. Fill in Table II as indicated, specifying inventory on a physical basis regardless of authorizations or exemptions. However, a supplier who keeps separate inventories of hexahydric alcohols, both physically and on his books, for the purpose of sale and for his own manufacturing use, shall report in Table II only his inventory for his own use. Leave Tables III, IV and V blank.

(f) *Certified uses with purchase orders.* Each person placing purchase orders for delivery of hexahydric alcohols between the following amounts per month in the aggregate from all suppliers, shall furnish each supplier with a certified statement of proposed use. Describe proposed use as shown in paragraph (e) above and certify in the form prescribed in Appendix D of order M-300:

d-sorbitol-crystalline.....	25-1,000 lbs.
Technical grade d-sorbitol (75% aqueous solution).....	50-6,000 lbs.
Commercial grade non-crystalline sorbitol isomeric mixtures.....	600-6,000 lbs.
Mannitol-crystalline.....	50-1,000 lbs.

(g) *Budget Bureau approval.* The above reporting requirements have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

(h) *Communications to War Production Board.* Communications concerning this schedule shall, unless otherwise directed, be addressed to War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-20.

Issued this 1st day of June 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-7918; Filed, June 1, 1944; 11:10-a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 21]

TOLUENE

§ 3293.1021 *Schedule 21 to General Allocation Order M-300—(a) Definitions.* (1) "Toluene" means the chem-

ical compound known by the name of toluene or toluol, from whatever source derived.

(2) "Nitration grade toluene" means toluene which meets the requirements of Grade "A" in United States Army Specification No. 50-11-38C, as the same may from time to time be revised.

(3) "Commercial grade toluene" means toluene other than nitration grade toluene.

(b) *General provisions.* Toluene is subject to the provisions of General Allocation Order M-300 as an Appendix A material. The initial allocation date is February 1, 1942, when toluene first became subject to allocation under Order M-34 (revoked). The allocation period is the calendar month.

(c) *Special provisions.* (1) Use, delivery and acceptance of delivery of toluene prior to July 1, 1944, will be authorized on the basis of applications filed in the form heretofore prescribed in Order M-34.

(2) No person shall use or deliver oils containing commercially extractable toluene, except for the purpose of distillation or refining, unless otherwise authorized by the War Production Board, pursuant to application by letter in triplicate addressed to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-21.

(3) Each person processing coal tar oils for the extraction of toluene, or hydrocarbons for the production of toluene, shall produce therefrom the maximum quantity of nitration grade toluene which his equipment and facilities are capable of producing, unless otherwise directed by the War Production Board, pursuant to application by letter in triplicate addressed to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-21.

(4) All stocks of toluene are subject to this Schedule, notwithstanding the "consumers' stocks" exemption in paragraph (n) of Order M-300.

(5) The above special provisions are in addition to the special provisions of M-300-22, relating to benzene, and M-300-23, relating to xylene.

(d) *Laboratory exemption.* Laboratories may, without authorization, use and accept delivery of not more than 60 gallons of toluene in the aggregate from all sources, within the twelve month period beginning July 1, 1944, and within any twelve month period thereafter. Only suppliers principally engaged in supplying laboratories may deliver toluene to laboratories without authorization and such suppliers may deliver no more than 60 gallons within any twelve month period as described above.

(e) *Suppliers' applications on Form WPB-2946.* Each supplier seeking authorization to deliver shall file application on Form WPB-2946 (formerly PD-601). The filing date is the 15th of the month preceding the proposed delivery month. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-21. The unit of measure is gallons. Specify grade as "nitration" or "commercial".

In Columns 10 and 13 of Table II, enter only those stocks of toluene not authorized for delivery on the date specified.

(f) *Customers' applications on Form WPB-2945.* Each person seeking authorization to use or accept delivery (including suppliers seeking authorization to use) shall file application on Form WPB-2945 (formerly PD-600). The filing date is the 10th of the month preceding the month in which the material will be used or received. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-21, one copy (with reverse side left blank) to the supplier, and retain one copy. File separate sets of forms for each different supplier and for each of applicant's receiving points. The unit of measure is gallons. Specify grade as "nitration" or "commercial".

In Column 3, specify primary products in terms of the following:

Aviation oils.
Coated fabrics.
Dyes and intermediates.
Explosives.
Medicinals.
Navy cable saturant.
Neoprene solvent.
Paint, varnish and lacquer.
Petroleum additives.
Printing ink.
Quinacrine.
Other primary product (specify).
Export (as toluene).
Resale (as toluene).
Inventory (as toluene).

In column 4, specify end use (see paragraph 11 of Appendix E to Order M-300). Leave Columns 9 and 10 blank except for remarks, if any, in Column 10. In Table II fill in as indicated for each grade of toluene referred to in Table I. Suppliers shall report only quantities of toluene which have been allocated to them for their own use. Fill in Table IV as indicated for each primary product specified in Column 3 of the application, except for primary products under direct allocation (such as quinacrine).

(g) *Budget Bureau approval.* The above reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(h) *Communications to the War Production Board.* Communications concerning this Schedule shall, unless otherwise directed, be addressed to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-21.

Issued this 1st day of June 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-7919; Filed, June 1, 1944;
11:10 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300,
Schedule 22]

BENZENE

§ 3293.1022 *Schedule 22 to General Allocation Order M-300—(a) Definition.* "Benzene" means the chemical

compound known by that name or by the name benzol, from whatever source derived.

(b) *General provisions.* Benzene is subject to the provisions of General Allocation Order M-300, as an Appendix A material. The initial allocation date is July 1, 1942, when benzene first became subject to allocation under Order M-137 (revoked). The allocation period is the calendar month. The small order exemption is one drum (55 gallons) or less per person per month.

(c) *Special provisions.* (1) Use, delivery, and acceptance of delivery of benzene prior to July 1, 1944, will be authorized on the basis of applications filed in the form heretofore prescribed in Order M-137.

(2) No person shall use or deliver oils containing commercially extractable benzene, except for the purpose of distillation or refining, unless otherwise directed by the War Production Board pursuant to application by letter in triplicate addressed to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-22.

(3) Each person processing coal tar oils for the extraction of benzene, or hydrocarbons for the production of benzene, shall produce therefrom the maximum quantity of 2°C. benzene which his equipment and facilities are capable of producing, unless otherwise directed by the War Production Board pursuant to application by letter in triplicate addressed to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-22.

(4) All stocks of benzene are subject to this Schedule, notwithstanding the "consumers' stocks" exemption in paragraph (n) of Order M-300.

(5) The above special provisions are in addition to the special provisions of Order M-300-23, relating to xylene, and Order M-300-21, relating to toluene.

(d) *Suppliers' applications on Form WPB-2946.* Each supplier seeking authorization to deliver shall file application on Form WPB-2946 (formerly PD-601). The filing date is the 15th of the month preceding the proposed delivery month. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-22. The unit of measure is gallons. Specify grade as "1° nitration", "2° pure" or other specified grade.

In Table II, Columns 10 and 13, enter only those stocks of benzene not authorized for delivery under date specified.

(e) *Customers' applications on Form WPB-2945.* Each person seeking authorization to use or accept delivery (including suppliers seeking authorization to use) shall file application on Form WPB-2945 (formerly PD-600). The filing date is the 10th of the month preceding the month in which the material will be used or received. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., one copy (with reverse side left blank) to the supplier and retain one copy. File separate sets of forms for each different supplier and for each of the applicant's receiving points. The unit of measure is gallons. Specify

grade as "1° nitration", "2° pure" or other specified grade.

In Column 3 specify primary products in terms of the following:

Aniline.
Cumene.
Diphenyl.
Diphenylamine.
Dyestuffs and intermediates.
Medicinals.
Monochlorobenzene.
Phenol.
Solvents and thinners.
Styrene.
Other primary products (specify).
Export (as benzene).
Resale (as benzene).
Inventory (as benzene).

In Column 4 specify end use (see paragraph 11 of Appendix E to Order M-300). Leave Columns 9 and 10 blank except for remarks, if any, in Column 10. Fill in Table IV as indicated. For each primary product specified in Column 3 of the application, except for primary products under direct allocation (such as aniline, phenol and styrene).

(f) *Budget Bureau approval.* The above reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(g) *Communications to the War Production Board.* Communications concerning this schedule shall, unless otherwise directed, be addressed to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-22.

Issued this 1st day of June 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-7920; Filed, June 1, 1944;
11:10 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 23]

XYLENE (XYLOL)

§ 3293.1023 *Schedule 23 to General Allocation Order M-300—(a) Definition.* "Xylene" means the chemical compounds known by the name of xylene or xylo, from whatever source derived, or mixtures of ortho xylene, meta xylene and para xylene in any proportion, with or without paraffinic, olefinic or aromatic hydrocarbons, having the following characteristics:

(1) Distillation range (as described in the "Standard Method of Tests for Distillation of Gasolines, Naphthas, Kerosenes and Similar Petroleum Products A. S. T. M. designation D86-40", published by the American Society of Testing Materials or by the MCA procedure) as follows: initial boiling point (minimum) 130° C. (266° F.), 90 per cent point (maximum) 149° C. (300° F.), end point (maximum) 165.5° C. (330° F.); and

(2) Aromatic hydrocarbon content not less than 85 per cent by volume as determined by "Emergency Methods of Tests for Olefins, Aromatic Hydrocarbons, Paraffins and Naphthas in Aviation

Gasoline (without distillation into fractions) A. S. T. M. designation ES-45", published by the American Society of Testing Materials.

(b) *General provisions.* Xylene is subject to the provisions of General Allocation Order M-300, as an Appendix A material. The initial allocation date is October 1, 1942, for limited types of xylene previously allocated under Order M-150 as in effect prior to July 1, 1944, and for xylene as defined above, the initial allocation date is July 1, 1944. The allocation period is the calendar month. The small order exemption is one drum (fifty-five gallons) or less per person per month.

(c) *Special provisions.* (1) Use, delivery and acceptance of delivery of certain kinds of xylene prior to July 1, 1944 will be authorized on the basis of applications filed in the form heretofore prescribed in Order M-150.

(2) No person shall use or deliver oils containing commercially extractable xylene except for the purpose of distillation or refining, unless otherwise authorized by the War Production Board pursuant to application by letter in triplicate addressed to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-23.

(3) Each person processing coal tar oils for the extraction of xylene, or hydrocarbons for the production of xylene, shall produce therefrom the maximum quantity of xylene which his equipment and facilities are capable of producing unless otherwise directed by the War Production Board, pursuant to application by letter in triplicate addressed to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-23.

(4) All stocks of xylene are subject to this schedule, notwithstanding the "consumers' stocks" exemption in paragraph (n) of Order M-300.

(5) The above special provisions are in addition to the special provisions of M-300-22, relating to benzene, and M-300-21, relating to toluene.

(d) *Suppliers' applications on Form WPB-2946.* Each supplier seeking authorization to deliver shall file application on Form WPB-2946 (formerly PD-601). The filing date is the 15th of the month preceding the proposed delivery month. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-23. The unit of measure is gallons.

Columns 5-a, 6 and 7 should be left blank, except for remarks, if any, in Column 7.

(e) *Customers' applications on Form WPB-2945.* Each person seeking authorization to use or accept delivery (including suppliers seeking authorization to use) shall file application on Form WPB-2945 (formerly PD-600). The filing date is the 10th of the month preceding the month in which the material will be used or received. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-23, one copy (with reverse side left blank) to the supplier and retain one copy. File separate sets of forms for

each different supplier and for each of applicant's receiving points. The unit of measure is gallons.

In Column 3 specify primary products in terms of the following:

Coated fabrics.
Dyestuffs & intermediates.
General solvents.
Natural and synthetic.
rubber solution.
Other organic chemicals.
Paint, varnish and lacquer.
Printing ink.
Other (specify).
Resale (in original form).
Export (in original form).
Inventory (in original form).

In Column 4 specify end use. (See paragraph 11 to Appendix E, Order M-300). Leave Columns 9 and 10 blank, except for remarks, if any, in Column 10. Leave Table IV blank.

(f) *Budget Bureau approval.* The above reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(g) *Communications to War Production Board.* Communications concerning this Schedule shall, unless otherwise directed, be addressed to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-23.

Issued this 1st day of June 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-7921; Filed, June 1, 1944;
11:10 a. m.]

PART 3293—CHEMICALS

[Allocation Order M-340, as Amended June 1, 1944]

MISCELLANEOUS CHEMICALS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of the chemicals subject to this order for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.491 Allocation Order M-340—

(a) *Definitions.* (1) "Subject chemical" means any chemical listed in Appendix A, as therein defined.

(2) "Producer" means any person engaged in the production of any subject chemical and includes a person who imports any subject chemical or has it produced for him pursuant to toll agreement.

(3) "Distributor" means any person who buys any subject chemical for the purpose of resale without further processing and without changing the form thereof.

(4) "Supplier" means a producer or distributor.

(b) *Restrictions on deliveries.* (1) On and after the applicable effective date stated in Appendix A, no supplier shall deliver a subject chemical to any person except as specifically authorized or directed in writing by War Production

Board. No person shall accept delivery of a subject chemical which he knows or has reason to believe is delivered in violation of this order.

(2) Authorization or directions as to deliveries to be made by suppliers in each calendar month will generally be issued by War Production Board prior to the beginning of such month, but may be issued at any time. They will normally be issued on Form WPB-2947 (formerly PD-602) which is to be filed by the supplier with War Production Board as explained in paragraph (g) below.

(3) If a supplier is authorized or directed by War Production Board to deliver a subject chemical to any specific customer or group of customers, but is unable to make the delivery either because of receipt of notice of cancellation or otherwise, the subject chemical shall revert to inventory, and shall not be delivered, or used, without further instructions.

(c) *Exceptions for small deliveries.*

(1) Specific authorization in writing of War Production Board is not required for delivery by any supplier to any person in any calendar month of a subject chemical in a quantity not exceeding the quantity stated in Column 3 of Appendix B.

(2) The aggregate quantity of a subject chemical which any supplier may deliver in any calendar month pursuant to paragraph (c) (1), shall not exceed:

(i) The quantity which he has been specifically authorized, upon application pursuant to Appendix D, to deliver on small orders; or

(ii) If he is a distributor, the quantity which he acquired upon certification that it was required to fill small orders or the quantity which he acquired himself on such a small order, or

(iii) If he is a distributor who customarily delivers exclusively on small orders, any quantity.

(d) *Exceptions for deliveries for other reasons.* Specific authorization in writing of War Production Board is not required for delivery of a subject chemical by any supplier to any other person for a purpose stated in Column 4 of Appendix B.

(e) *Restrictions on use.* (1) On and after the applicable effective date stated in Appendix A, no supplier shall use a subject chemical except as specifically authorized or directed in writing by War Production Board.

(2) Each person who with an order for a subject chemical furnishes a certificate required by paragraph (f) shall use the subject chemical delivered on such order only as specified on such certificate except as otherwise specifically authorized or directed in writing by War Production Board.

(3) War Production Board may from time to time issue directions with respect to the use or uses which may or may not be made of a subject chemical to be delivered to, or then in inventory of the prospective user.

(f) *Supplier to obtain from customer a certificate of use.* No supplier shall in any calendar month (beginning in the case of each subject chemical with the

calendar month in which the order becomes effective as to that chemical as stated in Appendix A) deliver to any person a greater quantity of such subject chemical than is stated in Column 3 of Appendix B, unless he shall have received from such person a certificate as to the use for which such person is ordering such subject chemical. Such certificate shall be substantially in the form and shall be subject to the instructions stated in Appendix C and shall be in the hands of the supplier not later than the 15th day of the month preceding the month in which delivery is to be made. It need not be filed with War Production Board. A supplier must not deliver a subject chemical where he knows or has reason to believe the purchaser's certificate is false, but in the absence of such knowledge or reason to believe he may rely on the certificate.

(g) *Applications by suppliers for leave to deliver or use.* (1) Each supplier requiring authorization to make delivery of, or to use, a subject chemical during any calendar month shall file application on or before the 20th day of the preceding month. The application should be made on Form WPB-2947 (formerly PD-602) in the manner set forth in the general instructions appearing on that form, subject to the special instructions contained in Appendix D. If there is an inconsistency between the general and special instructions, the special instructions must be followed.

(2) War Production Board may issue to any supplier other and further directions with respect to preparing and filing Form WPB-2947 (formerly PD-602).

(h) *Miscellaneous provisions—(1) Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of War Production Board, as amended from time to time.

(2) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C. Ref: M-340.

Issued this 1st day of June 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

Chemicals subject to this order. (1) "Acetal" means the chemical known by that name and by the names aldol, beta hydroxy butyric aldehyde oxybutanol, 3-hydroxy butanol.

Effective date—August 1, 1943. Comes in the following grades: no grades.

(2) "ST-115" means the preparation known by that trade name, as defined and specified in Appendix to Regulation No. 3 (1942 Revision) of the Bureau of Internal Revenue.

Effective date—August 1, 1943. Comes in the following grades: no grades.

(3) "Dehydrol-O" means the chemical known by that trade name as defined and specified in Appendix to Regulation No. 3 (1942 Revision) of the Bureau of Internal Revenue.

Effective date—August 1, 1943. Comes in the following grades: no grades.

(4) "G. C.-78" means the chemical known by that trade name.

Effective date—August 1, 1943. Comes in the following grades: no grades.

(5) "By-product—phosphoric acid" means phosphoric acid obtained as a by-product in the manufacture of methyl methacrylate.

Effective date—September 1, 1943. Comes in the following grades: no grades.

(6) "Oxidized petrolatum" means high paraffinic petrolatum oxidized and processed to contain aliphatic ketones, and which is suitable for use as a base in the manufacture of rust preventive compounds or corrosion inhibitors meeting specification Nos. AXS-673, 52-C-18 and AN-C-52, such as those petrolatums known by the trade marks Par-Al-Ketone, Alox 707, Alox 701 and Alox 600.

Effective date—October 9, 1943. Comes in the following grades: no grades.

(7) "Vinsol" resin and "Truline" binder means the resins known by those registered trade marks or any similar resin obtained from the oleo-resin of pine wood and having the following properties:

Maximum solubility in petroleum naphtha 20%; complete solubility in lower alcohols; toluene insoluble 10 to 30 per cent; methoxy content 4 to 6 per cent; acid number 90 to 110; softening point (ASTM ball and ring method) 103° to 118° Centigrade.

Effective date—October 9, 1943. Comes in the following grades: no grades.

(8) [Deleted Mar. 27, 1944.]

(9) [Deleted Mar. 27, 1944.]

(10) [Deleted Oct. 22, 1943.]

(11) "DDT" means the chemical 2, 2-bis (para chlorophenyl) 1, 1, 1-tri-chloroethane, and is also known by the trade name "Neocid".

Effective date—January 1, 1944. Comes in the following grades: no grades.

(12) "Enamel wire naphtha" (also known as E. W. naphtha) means a mixture of aromatic solvents derived from coke oven light oil, drip oil or coal tar, distilling between 150 and 290° C., with at least 15 per cent distilling above 200° C., and containing 20 to 60 per cent monomeric polymerizable constituents of the cumorone-indene type. The term does not include aromatic material for the production of E. W. naphtha, or for the production of cumorone-indene resin, or for the production of other chemicals or intermediates, or for use as solvents in the crude state.

Effective date—February 1, 1944. Comes in the following grades: no grades.

(13) "Methyl Bromide" means the chemical CH_3Br .

Effective date—March 1, 1944. Comes in the following grades: no grades.

(14) "Precipitated calcium carbonate" means ultra fine particle calcium carbonate such as the chemical known as Kalvan, Witcarb R and Multifex.

Effective date—April 1, 1944. Comes in the following grades: no grades.

(15) "Pyronate" means the pyroligneous alcohol known by that trade name which is produced as a by-product of the destructive distillation of hardwood.

Effective date—May 1, 1944. Comes in the following grades: No grades.

(16) "Hi-flash naphtha" means water white coal tar solvent naphtha, having a distillation range of 145° C. (293° F. to 200° C. (392° F.), derived from coke oven light oils, coal tar distillates, drip oils or holder oils.

Effective date—July 1, 1944. Comes in the following grades: No grades.

APPENDIX B

NOTE: Item 16 added June 1, 1944.

1	2	3	4
Name of chemical	Unit of measure	Maximum quantity deliverable to any one person in any calendar month without specific authorization and without certificate required by paragraph (f)	Purpose for which delivery may be made without specific authorization, regardless of quantity (See par. (d).)
(1) Acetaldol...	Gallon...	54 gallons.....	None.
(2) ST-115.....	Gallon...	54 gallons.....	None.
(3) Dehydrol-O...	Gallon...	54 gallons.....	None.
(4) G. C.-78.....	Gallon...	54 gallons.....	None.
(5) By-product phosphoric acid.	Ton.....	5 tons.....	None.
(6) Oxidized petrolatum.	Pound..	25 pounds.....	None.
(7) Vinsol resins.	Pound..	500 pounds....	None.
(8) [Deleted Mar. 27, 1944.]			
(9) [Deleted Mar. 27, 1944.]			
(10) [Deleted Oct. 22, 1943.]			
(11) DDT.....	Pound..	1 pound.....	None.
(12) E.W.Naphtha.	Gallons.	54 gallons.....	None.
(13) Methyl Bromide.	Pound..	10 pounds.....	None.
(14) Precipitated calcium carbonate.	Pound..	50 pounds.....	None.
(15) Pyronate...	Gallon..	54 gallons.....	None.
(16) Hi-flash naphtha.	Gallons.	54 gallons.....	None.

APPENDIX C—CUSTOMER'S CERTIFICATE OF INTENDED USE

The undersigned purchaser hereby certifies to War Production Board and to his supplier, pursuant to Order No. M-340, that the _____ (specify subject chemical) ordered for delivery in _____, 1944, _____ Month

will be used by him for the manufacture or preparation of the following product(s), and that such product(s) will be put to the following end use(s):

	Quantity	Primary product	End use
(A).....			
(B).....			

Name of purchaser

By _____
Date _____ Duly authorized official _____ Title _____

Instructions for customer's certificate. (1) The certificate shall be signed by an authorized official of the purchaser, either manually or as provided in Priorities Regulation No. 7.

(2) Where a purchaser wishes to receive more than the exempted quantity of each of two or more subject chemicals, a separate certificate shall be obtained as to each.

(3) The purchaser will specify under "Primary product", the exact product or products in the manufacture or preparation of which the subject chemical will be used or incorporated. A distributor ordering the subject chemical for resale as such will specify "resale" or, if ordering exclusively for resale on exempt small orders, will specify "small orders of _____ or less" (specify quantity stated in Column 3 of Appendix B). If purchase is for inventory state "inventory."

(4) Under "End use", purchaser will specify the ultimate or end use to which the primary product will be put. He will also indicate whether civilian, Lend-Lease, other export or military, and if the product is for uses falling in two or more such categories, the percentage falling in each. Also, he will give contract numbers in the case of military use or Lend-Lease, and in the case of export, export license numbers. A distributor ordering the subject chemical for resale as such will leave blank the "End Use" column.

APPENDIX D—SPECIAL INSTRUCTIONS FOR SUPPLIER'S FORM WPB-2947 (FORMERLY PD-602)

(1) *Obtaining forms.* Copies of Form WPB-2947 (formerly Form PD-602) may be obtained at local field offices of the War Production Board.

(2) *Number of copies.* Prepare an original and three copies. File original and two copies with War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M-340, retaining the third copy for your files. The original filed with the War Production Board shall be manually signed by a duly authorized official.

(3) *Separate set for each chemical.* Where the supplier's application relates to deliveries of two or more subject chemicals, he will file a separate set of Form WPB-2947 (formerly Form PD-602) for each.

(4) *Information at top of form.* In the heading, under "Name of Material", specify the subject chemical to which the Form WPB-2947 (formerly Form PD-602) relates; under "Grade", specify grade stated in Appendix A, or if no grade specified, leave blank; under "WPB Order No.", specify "M-340"; indicate month and year during which deliveries covered by the application are to be made; under "Unit of Measure", specify unit of measure stated in Column 2 to Appendix B; under name of company, specify your name and the address of the plant or warehouse from which shipment will be made.

(5) *Listing of customers.* In Column 1 (except for small orders as explained in (7) below) list the name of each customer from whom an order for delivery of the subject chemical during the applicable month has been received. If it is necessary to use more than one sheet to list customers, number each sheet in order and show the grand total on last sheet which is the only one that need be certified.

(6) *Primary product and end use.* In Column 1-a (except for small orders as explained in (7) below) specify the product or products in the manufacture or preparation of which the subject chemical will be used by your customer, the end use to which such product or products will be put, and military or Lend-Lease contract numbers, and export license numbers, all as indicated by the certificate obtained under paragraph (1) of this order. The quantity of the subject chemical used in the manufacture or preparation of each primary product for each product use shall be shown separately. If the subject chemical ordered by a customer is for two or more uses, indicate each use separately and indicate the quantity of the subject chemical ordered for each use.

(7) *Small orders.* The supplier need not list the name of any customer to whom he is to deliver in the applicable month a quantity of the subject chemical not exceeding the maximum quantity (indicated in Column 3 of Appendix B) which he is permitted to deliver to any one person in any calendar month without specific authorization. Also, in the case of any such delivery, he need not show the name of the product or the end use. Instead, he must write in Column 1 "Total small order deliveries (estimated)" and in Column 4, must specify the total estimated quantity of the subject chemical to be delivered on such orders.

(8) *Use by producers.* A producer requiring permission to use a part or all of his own production of the subject chemical shall list his own name as customer in Column 1 on Form WPB-2947 (formerly Form PD-602) specifying quantity required and product manufactured. Written approval of War Production Board on such Form WPB-2947 (formerly Form PD-602) shall constitute authority to the producer to use the subject chemical in the quantity and for the purposes indicated in such approved form.

(9) *Table II.* Each producer will report production, deliveries and stocks as required by Table II, Columns 9 to 10, inclusive. Distributors will fill out only Columns 10, 12 and 13. Producers and distributors will show in Column 8 Grade, as stated in Appendix A, or if no Grade is there specified, will leave Column 8 blank.

[F. R. Doc. 44-7916; Filed, June 1, 1944; 11:10 a. m.]

Chapter XI—Office of Price Administration

PART 1340—FUEL

[RMPR 122, Amdt. 21]

SOLID FUELS SOLD AND DELIVERED BY DEALERS

A statement of considerations involved in the issuance of this amendment is issued simultaneously herewith has been filed with the Division of Federal Register.*

Revised Maximum Price Regulation No. 122 is amended in the following respects:

1. In § 1340.255 (a) (5) a new sentence is added to read as follows: "The maximum prices set forth in Maximum Price Regulation No. 112 for May 1944 shall be deemed by the dealer to be the supplier's maximum price until and including June 10, 1944."

2. In § 1340.256 (c) (3), the heading of the first column is changed to read: "To and including June 10, 1944" and the heading of the second column is changed to read "On and after June 11, 1944 to and including June 30, 1944".

This amendment shall become effective May 31, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-7889; Filed, May 31, 1944; 4:35 p. m.]

*Copies may be obtained from the Office of Price Administration.

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 296, Amdt. 3]

FLOUR FROM WHEAT, SEMOLINA AND FARINA SOLD BY MILLERS, BLENDERS, PRIMARY DISTRIBUTORS AND FLOUR JOBBERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 296 is amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. *Maximum prices for flour from wheat, semolina and farina.* Regardless of any contract, agreement or other obligation, no person shall sell or deliver, or agree, offer, solicit or attempt to sell or deliver, and no person shall in the course of trade or business buy or receive any flour from wheat, semolina or farina at prices higher than the maximum prices permitted by Appendix A hereof: *Provided*, That any contract entered into while the original Maximum Price Regulation No. 296 was in effect may be performed according to its terms if such contract complies with the provisions of said original Maximum Price Regulation No. 296; and *Further provided*, That any contract entered into prior to June 1, 1944, may be performed according to its terms, notwithstanding the changes in maximum prices specified by Amendment No. 3, issued May 31, 1944, if such contract complies with the maximum prices established prior to June 1, 1944, and with all of the other provisions of Revised Maximum Price Regulation No. 296.

2. Section 16 (a) (6) is amended to read as follows:

(6) "Flour from wheat" means: (i) Any product of the milling of wheat, other than durum wheat, whose ash content is not more than the sum of $\frac{1}{10}$ of the percent of protein therein calculated to a moisture-free basis, and 0.35, including granular flour used in the distillation of alcohol, except that farina shall not be deemed to be flour from wheat, (ii) any product of the milling of durum wheat whose ash content calculated to a moisture-free basis is not more than 1.5%, except that semolina shall not be deemed to be a flour from wheat, (iii) whole wheat flour, crushed wheat and cracked wheat used for human consumption, (iv) whole durum wheat flour, (v) blends of the foregoing flours from wheat, "bleached," "bromated," "enriched," "phosphated" and "self-rising" flours shall be considered flour and, in determining whether the ash content of such flours complies with ash requirements as set forth herein, allowances shall be made for the increase in the

*8 F.R. 16232; 9 F.R. 576, 2790.

ash content resulting from the addition of the bleaching, bromating, enriching, phosphating and self-rising ingredients.

3. Appendix A I(a) 1, 2 and 3 are amended to read as follows:

1. At destinations in Central Freight Association territory including destinations in Kentucky as covered by Central Freight Association Freight Tariff No. 535 series, also Paducah, Kentucky, and at destinations in Trunk Line and New England territories as covered by Trunk Line Freight Tariff No. 245 series and including destinations on the Chesapeake and Ohio Railway west of Ashland, Kentucky, to Preston, Kentucky, inclusive, and destinations in Kentucky on the Chesapeake and Ohio Railway south of Catlettsburg, Kentucky, the maximum prices shall be \$3.34 per hundredweight for such flour with a protein content of 13.5% or less and \$3.54 per hundredweight for such flour with a protein content greater than 13.5%, plus the charge at the domestic carload proportional all-rail rate from Minneapolis to the destinations, applicable on traffic from Northwest territory.

2. At destinations in Southeastern Freight Association territory and in Carolina rate territory, as covered by Southeastern and Carolina Grain tariff No. 94 series, but not including destinations in Kentucky covered by said tariff, the maximum prices shall be \$3.31 per hundredweight for such flour with a protein content of 13.5% or less and \$3.38 per hundredweight for such flour with a protein content greater than 13.5%, plus the charge at the domestic carload proportional all-rail rate from Kansas City to Louisville or Cincinnati or beyond, and plus the charge at the domestic carload proportional all-rail rate from Louisville or from Cincinnati to the destination, applicable on billing originating in Ohio and Indiana, whichever is lower.

3. At destinations in Mississippi Valley Territory as covered by Mississippi Valley Grain Tariff No. 133 series, except those in Louisiana, also at destinations in Kentucky, except those covered in paragraph 1, the maximum prices shall be \$3.31 per hundredweight for such flour with a content of 13.5% protein or less and \$3.38 per hundredweight for such flour with a protein greater than 13.5%, plus the charge at the lowest domestic carload proportional all-rail rate from Kansas City, Missouri, to the destination.

4. Appendix A III (b) is amended to read as follows:

(b) At destinations in the following States: Kentucky, Tennessee, Alabama, Mississippi, Georgia, Florida, North Carolina, and South Carolina, the maximum prices for cake flour and other soft wheat bakery flour shall be \$4.42 per hundredweight for cake flour, \$3.75 per hundredweight for other soft wheat bakery flour with an ash content of .41% or less, and \$3.52 per hundredweight for other soft wheat bakery flour with an ash content greater than .41%, plus such one of the following rail charges as results in the lowest delivered price: (i) The lowest carload proportional rail rate from Memphis, Tennessee; Cairo, Illinois; or Evansville, Indiana, to the destination; or (ii) The lowest carload proportional rail rate from Louisville, Kentucky, or Cincinnati, Ohio, to the destination, applicable on billing originating in Ohio and Indiana.

5. Appendix A III (c) (ii) and (iii) are amended to read as follows:

(ii) For flour milled in the States of California, Nevada, Utah, Idaho (south of the

southern boundary of Idaho County), Colorado, Arizona, and New Mexico, the maximum prices shall be \$3.90 per hundredweight for cake flour and \$3.00 per hundredweight for other soft wheat bakery flour, plus the charge at the lowest flat carload rail rate from Ogden, Utah, to the destination.

(iii) For flour milled in any state other than those mentioned in subdivisions (i) and (ii) hereof, the maximum prices shall be \$4.67 per hundredweight for cake flour and \$4.00 for other soft wheat bakery flour with an ash content of .41% or less, and \$3.77 per hundredweight for other soft wheat bakery flour with an ash content greater than .41%, less the charge at the lowest flat domestic carload rail rate from the milling point to New York City, plus the charge at the lowest flat domestic carload rail rate from the milling point to the destination: *Provided*, That, at or within twenty-five miles of the milling point the maximum price for carload quantities shall be the price obtained by deducting the transportation charge to New York City as directed in this subdivision (iii) and then adding 10 cents per hundredweight.

6. Appendix A V is amended to read as follows:

V. *Maximum prices for family flours in carload quantities, packed in 100 pound sacks delivered at specified destinations.* The maximum prices for family flour in carload quantities, packed in 100 pound cotton sacks delivered at destinations in the various states and the District of Columbia, shall be as follows:

	Per hundred-weight
Colorado, east of the Rocky Mountains.....	\$3.70
Montana, Wyoming.....	3.83
Colorado, except east of the Rocky Mountains, Kansas, Nebraska, New Mexico, North Dakota, South Dakota.....	3.95
Oregon, Washington.....	4.08
Idaho.....	4.13
Arizona, Oklahoma and Utah.....	4.21
Iowa and Missouri.....	4.29
Texas.....	4.31
Arkansas, Minnesota.....	4.34
Illinois.....	4.39
Indiana, Wisconsin.....	4.44
Nevada.....	4.46
Michigan, Ohio.....	4.49
Delaware, District of Columbia, Maryland, Pennsylvania and West Virginia.....	4.59
New Jersey, New York.....	4.62
The New England States.....	4.64
California.....	4.72
Kentucky, Louisiana, Virginia.....	4.69
Tennessee.....	4.82
Alabama, Georgia, Mississippi, South Carolina, Florida.....	4.87
North Carolina.....	4.92

7. Appendix A VI (a) (i) is amended to read as follows:

(i) When packed 12 2½ pound packages or 24 1¼ pound packages to the case, \$2.75 per case. When packed in cases of other sizes the maximum price shall be determined by dividing \$2.75 by 12 when pricing 2½ pound packages and by 24 when pricing 1¼ pound packages and multiplying the applicable result by the number of packages packed in the case.

8. Appendix A XII is amended to read as follows:

XII. *Maximum prices applicable to export sales and sales to exporters.* Maximum

28 FR. 4132, 5987, 7662, 9998, 15193; 9 FR. 1036.

prices applicable to export sales shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.² For the purposes of that regulation the applicable maximum basic domestic price for export sales or for sales to exporters and the United States or any of its agencies, shall be as follows:

(a) The maximum price for the sale of any family flour packed in 100 pound cotton sacks, in carload quantities, delivered shipside at any Gulf or Atlantic port for exportation outside of the continental United States shall be \$4.21 per hundredweight, plus the charge at the shipside export all rail proportional carload rate, or shipside domestic all rail proportional carload rate, whichever is lower, from Minneapolis, Minnesota, to the port of export.

(b) The maximum price for the sale of any bakery flour packed in 100 pound cotton sacks, in carload quantities, delivered shipside at any Gulf or Atlantic port for exportation outside of the continental United States, shall be \$3.34 per hundredweight for such bakery flour with a protein content of 13.5% or less and \$3.54 per hundredweight for such bakery flour with a protein content greater than 13.5%, plus the charge at the shipside export all rail proportional carload rate or the shipside domestic all rail proportional carload rate, whichever is lower, from Minneapolis, Minnesota, to the port of export.

(c) The maximum price for the sale of any cake flour or other soft wheat bakery flour packed in 100 pound cotton sacks, in carload quantities, delivered shipside at any Gulf or Atlantic port for exportation outside of the continental United States, shall be \$4.44 per hundredweight for cake flour and \$3.77 for other soft wheat flour with an ash content of .41% or less and \$3.54 per hundredweight for other soft wheat bakery flour with an ash content greater than .41%, plus the charge at the shipside export all rail proportional carload rate or the shipside domestic all rail proportional carload rate, whichever is lower, from St. Louis, Missouri, to the port of export.

(d) The maximum price for the sale of any family or cake flour packed in 100 pound cotton sacks, in carload quantities, delivered shipside at any Pacific Coast port for exportation outside of the continental United States shall be \$3.82 per hundredweight for family flour and \$3.67 per hundredweight for cake flour, plus the charge at the shipside export all rail flat carload rate or the shipside domestic all rail flat carload rate, whichever is lower, from Spokane, Washington, to the Pacific Coast port of export.

(e) The maximum price for the sale of any bakery flour packed in 100 pound cotton sacks, in carload quantities, delivered shipside at any Pacific Coast port for exportation outside of the continental United States, shall be \$3.77 per hundredweight for bakery flour with a protein content of less than 10.0%, \$3.06 per hundredweight for bakery flour with a protein content of 10.0% or greater but less than 13.5% and \$3.26 per hundredweight for bakery flour with a protein content of 13.5% or greater, plus the charge at the shipside export all rail flat carload rate or shipside domestic all rail flat carload rate, whichever is lower, from Spokane, Washington, to the Pacific Coast port of export.

(f) The maximum price for the sale of any semolina or durum flour in carload quantities in buyers' 100 pound sacks, delivered shipside at any port for exportation outside of the continental United States, shall be the appropriate maximum price specified in Appendix A IV at Minneapolis, Minnesota, plus, in the case of shipside deliveries at any Gulf or Atlantic port, the charge at the shipside export all rail proportional carload rate or the

shipside domestic all rail proportional carload rate, whichever is lower, from Minneapolis, Minnesota, to the port of export, and, in the case of shipside deliveries at any Pacific Coast port the charge at the lowest carload transit balance rail rate from Minneapolis, Minnesota, to the destination payable on billing with a paid-in rate of 14 cents per hundred pounds.

(g) The maximum price for the sale of any family cake flour, family wholewheat flour or family farina, enriched or unenriched, at any port for exportation outside of the continental United States, shall be the appropriate maximum price specified in Appendix A VI.

(h) The maximum prices for bakery patent flours, farina (except family farina) enriched flour and farina (except family farina) and self-rising flour shall be determined by adding the applicable amount set forth in Appendix A VII to the appropriate maximum price at the port of export as set forth in this section.

(i) When the flour from wheat or farina is delivered in buyers' sacks or when containers other than cotton sacks are used, the foregoing maximum prices shall be adjusted as provided in Appendix A VIII.

(j) All maximum prices herein set forth on a per hundredweight basis may be converted to maximum prices per barrel as provided in Appendix A XVI.

This amendment shall become effective June 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-7887; Filed, May 31, 1944;
4:35 p. m.]

PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS

[RPS 9, Amdt. 9]

HIDES, KIPS AND CALFSKINS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 9, as amended, is amended in the following respect:

The effective date of Amendment 3 is hereby postponed from June 1, 1944 to July 1, 1944.

This amendment shall become effective June 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-7886; Filed, May 31, 1944;
4:35 p. m.]

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 1227, 2000, 2132, 5706, 8948; 8 F.R. 2997, 11676, 12312, 13513, 15259, 16279; 9 F.R. 1325.

PART 1306—IRON AND STEEL

[RPS 49, Amdt. 24]

RESALE OF IRON AND STEEL PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1306.166 (f) (1) is amended by adding the following proviso: "Provided, That the seller need not so mark his invoice when the three conditions set forth in paragraph (e) (1) of this section have been satisfied."

This amendment shall become effective June 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-7929; Filed, June 1, 1944;
12:08 p. m.]

PART 1306—IRON AND STEEL

[RMFR 159]

FABRICATED CONCRETE REINFORCING BARS

Maximum Price Regulation 159¹ is redesignated Revised Maximum Price Regulation 159 and is revised and amended to read as set forth herein. A statement of the considerations involved in the issuance of this Revised Maximum Price Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1306.361 *Maximum prices for fabricated concrete reinforcing bars*—Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Orders Nos. 9250 and 9328, Revised Maximum Price Regulation 159 (Fabricated Concrete Reinforcing Bars), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1306.361 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION 159—
FABRICATED CONCRETE REINFORCING BARS

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¹ 7 F.R. 4339, 4428, 5710, 8948; 8 F.R. 870, 1202.

SECTION 1. *Scope of this regulation*—
(a) *Products covered*. This regulation applies to fabricated concrete reinforcing bars, mill lengths and random stock lengths.

(1) "Fabricated concrete reinforcing bars" means any concrete reinforcing bars which are cut to specified lengths, or are bent to a specific radius, or are specifically bent or cut in a manner customarily performed by fabricators. It also includes mill lengths and random stock lengths.

(2) "Mill lengths" means concrete reinforcing bars in the lengths originally delivered to the fabricator.

(3) "Random stock lengths" means concrete reinforcing bars in other than mill lengths which are sold from a fabricator's inventory without cutting or bending.

(4) "Concrete reinforcing bars" means any or all plain or deformed steel bars, customarily used in concrete construction and whether square or round, of the following areas and diameters:

Area (in square inches):	Diameter (in inches)
0.05.....	1/4 round
.11.....	3/8 round
.20.....	1/2 round
.25.....	5/8 square
.31.....	3/4 round
.44.....	7/8 round
.60.....	1 round
.79.....	1 square
1.00.....	1 1/4 square
1.27.....	1 1/2 square
1.56.....	1 3/4 square

and also means any or all plain round steel rods or wire, customarily used in concrete construction, of the following areas and diameters:

Area (in square inches):	Diameter (in inches)
0.05.....	1/4
.11.....	3/8
.20.....	1/2
.31.....	3/4

(b) *Persons covered*. This regulation applies only to fabricators and resellers selling fabricated concrete reinforcing bars and persons purchasing fabricated concrete reinforcing bars from fabricators or resellers. The following definitions apply:

(1) "Fabricator" means a person in the business of selling fabricated concrete reinforcing bars who (i) maintains a warehouse stock of such materials, (ii) operates a plant or plants equipped with adequate machinery for the cutting and bending of concrete reinforcing bars, and (iii) supplies engineering service.

(2) "Reseller" means a person who sells fabricated concrete reinforcing bars fabricated by and purchased from others.

(3) "Person" means an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representatives of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(c) *Transactions covered.* This regulation applies to all sales and deliveries of fabricated concrete reinforcing bars for delivery within the 48 states or the District of Columbia except those transactions enumerated in paragraph (d) of this section 1.

(d) *Transactions not covered.* This regulation does not apply to the following transactions except as provided in the regulation noted:

(1) *Installed sales.* Where fabricated concrete reinforcing bars are sold on an installed basis, the maximum prices therefor are established by Maximum Price Regulation No. 251.²

(2) *Export sales including sales for the account of Lend-Lease.* An "export" or an "export sale" is defined in the Second Revised Maximum Export Regulation³ and the definition therein includes sales to Government agencies for the account of Lend-Lease. The Second Revised Maximum Price Regulation applies to all such sales.

(3) *Sales of unfabricated concrete reinforcing bars by a "producer" as defined in Revised Price Schedule No. 6.* Where unfabricated concrete reinforcing bars are sold by a "producer" as defined in Revised Price Schedule No. 6, the maximum prices therefor are not established by this regulation, but are established by Revised Price Schedule No. 6. "Unfabricated concrete reinforcing bars" are concrete reinforcing bars sold by a producer in lengths and quantities customarily considered to be mill or stock lengths by the same producer on April 16, 1941, or prior thereto.

(4) *Sales of straight concrete reinforcing bars by a "seller" as defined in Revised Price Schedule No. 49 who is not also a "fabricator" as defined in this regulation.* Where a seller, as defined in Revised Price Schedule No. 49, operates a warehouse at which he does not qualify as a fabricator, the maximum prices for straight concrete reinforcing bars delivered from such warehouse are determined by Revised Price Schedule No. 49. Where a seller operates a warehouse at which he qualifies as a fabricator, the maximum prices for all concrete reinforcing bars delivered from such warehouse are determined by this regulation.

SEC. 2. *Prohibition against dealing in fabricated concrete reinforcing bars sold or offered for sale at prices above the maximum.* Regardless of any contract, lease or other obligation:

(a) No person shall sell or deliver fabricated concrete reinforcing bars at prices higher than the maximum prices set forth in Appendix A of this regulation.

(b) No person shall buy or receive, in the course of trade or business, fabricated concrete reinforcing bars at prices higher than the maximum prices set forth in Appendix A of this regulation.

(c) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 3. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 4. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by an official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 5. *Taxes.* As to any tax upon, or incidental to, sales or deliveries of fabricated concrete reinforcing bars imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, if the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller under this regulation may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of the tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

SEC. 6. *Evasive practices.* The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to fabricated concrete reinforcing bars alone or in conjunction with any other commodity or by mixing fabricated concrete reinforcing bars in an order for mill or random stock lengths, or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

SEC. 7. *Enforcement.* Persons violating any provision of this regulation shall be subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 8. *Licensing.* The provisions of Licensing Order No. 1,⁴ licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be sus-

pended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale of any commodity for the sale of which his license has been suspended.

SEC. 9. *Records and reports.* (a) Every person making a purchase or sale of fabricated concrete reinforcing bars under this regulation shall keep for inspection by the Office of Price Administration for a period of not less than two years, or as long as the Emergency Price Control Act of 1942, as amended, shall be in effect, whichever period is shorter, complete and accurate records of every such purchase or sale (including but not limited to copies of invoices, statements of refunds and copies of calculations required under paragraphs (a) (11) and (c) (7) of Appendix A).

(b) Persons affected by this regulation shall submit such reports to the Office of Price Administration as it may from time to time require.

SEC. 10. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.⁵

Appendix A—Maximum prices. The maximum prices for fabricated concrete reinforcing bars shall be the aggregate of the base price at the applicable basing point, extras and transportation charges, all as set forth in paragraphs (a), (b) and (c) of this Appendix A. "Applicable basing point" as used in this appendix means the basing point at which the maximum price of the concrete reinforcing bars is computed for delivery to the fabricator's plant under Revised Price Schedule No. 6.⁶

(a) *Base prices—(1) General.* Except as otherwise provided in this appendix, the maximum base prices at the applicable basing point per one hundred pounds for delivery within the 48 states of the United States and the District of Columbia are:

Reinforcing bars.....	\$2.40
Spirals (with spacers) manufactured from bars, rods or wire smaller than 3/8" round.....	4.45
Spirals (with spacers) manufactured from bars, rods or wire 3/8" round or larger.....	3.95

(2) *Gulf Port basing points.* Where the concrete reinforcing bars were obtained by the fabricator at a Gulf Port basing point the maximum base prices per one hundred pounds are:

Reinforcing bars.....	\$2.75
Spirals (with spacers) manufactured from bars, rods or wire smaller than 3/8" round.....	4.80
Spirals (with spacers) manufactured from bars, rods or wire 3/8" round or larger.....	4.30

"Gulf Port basing point" is any one of the cities of Galveston, Houston, Orange, Port Arthur and Beaumont in the State of Texas.

(3) *Pacific Coast basing points.* Where the concrete reinforcing bars were obtained by the fabricator at a Pacific Coast basing point

² 7 F.R. 8878; 8 F.R. 3628, 9334.

³ 8 F.R. 4132, 5927, 7662, 9998, 15193, 9 F.R. 1036, 5435.

⁴ 8 F.R. 13240.

⁵ 7 F.R. 8878; 8 F.R. 3628, 9334.

⁶ 7 F.R. 1215, 1830, 2132, 2153, 2299, 2997, 3115, 3941, 4780, 6385, 7240, 8948; 8 F.R. 6042, 7257, 8440.

the maximum base prices per one hundred pounds are:

Reinforcing bars.....	\$2.80
Spirals (with spacers) manufactured from bars, rods or wire smaller than 3/8" round.....	4.85
Spirals (with spacers) manufactured from bars, rods or wire 3/8" round or larger.....	4.35

"Pacific Coast basing point" is anyone of the cities of San Pedro, Wilmington, Long Beach, San Diego, San Francisco, Los Angeles, Oakland, Sacramento or Stockton in the State of California, or Portland in the State of Oregon, or Tacoma or Seattle in the State of Washington.

(4) *Carload in Toledo.* The maximum base prices per one hundred pounds for carload quantities for delivery within the switching limits of the City of Toledo, Ohio, are:

Reinforcing bars.....	\$2.55
Spirals (with spacers) manufactured from bars, rods or wire smaller than 3/8" round.....	4.60
Spirals (with spacers) manufactured from bars, rods or wire 3/8" round or larger.....	4.10

(5) *Carload in Detroit.* The maximum base prices per one hundred pounds for carload quantities for delivery within the switching limits of the City of Detroit, Michigan, are:

Reinforcing bars.....	\$2.50
Spirals (with spacers) manufactured from bars, rods or wire smaller than 3/8" round.....	4.55
Spirals (with spacers) manufactured from bars, rods or wire 3/8" round or larger.....	4.05

(6) *Less carload in Detroit.* The maximum base prices per one hundred pounds for less carload quantities for delivery within the switching limits of the City of Detroit, Michigan, are:

Reinforcing bars.....	\$2.59
Spirals (with spacers) manufactured from bars, rods or wire smaller than 3/8" round.....	4.64
Spirals (with spacers) manufactured from bars, rods or wire 3/8" round or larger.....	4.14

(7) *Spirals without spacers.* If spirals are furnished without spacers \$0.25 per one hundred pounds shall be deducted from the applicable maximum base price.

(8) *Spirals made from cold drawn wire.* If spirals are made from cold drawn wire \$0.50 per one hundred pounds may be added to the applicable maximum base price.

(9) *Welded stirrups.* The maximum prices per one hundred pounds for welded stirrups for delivery within the forty-eight states and the District of Columbia are:

Welded stirrups made from bars, rods or wire 1/4" round.....	\$7.80
Welded stirrups made from bars, rods or wire 3/8" round.....	6.55
Welded stirrups made from bars, rods or wire 1/2" round.....	5.80

No addition for transportation charges may be made except as provided in paragraph (c) (6) of this Appendix A.

(10) *Carload quantities of mill or random stock lengths.* Where a carload or more of mill lengths or random stock lengths, or both, are specified by the purchaser as all or part of a sale and the quantity of such lengths exceeds 25 per cent by weight of the total quantity, for such quantity as is furnished in such lengths \$0.25 per one hundred pounds shall be deducted from the maximum prices as otherwise established in this Appendix A.

(11) *Lump sum and average price bids and contracts.* The maximum price for lump sum and average price bids for fabricated concrete

reinforcing bars shall not exceed an amount equal to the sum of the products of the total estimated weight of each category of bars multiplied by the applicable maximum prices therefor as otherwise established by this regulation: *Provided*, That where such a bid is accepted the total amount which may be charged by the seller or paid by the purchaser for fabricated concrete reinforcing bars delivered pursuant to such contract shall not exceed the applicable maximum prices set forth in this regulation for such bars and within ten days after final shipment the seller shall furnish the purchaser with a written statement of the total weights of and prices for the total of all deliveries made under such contract which statement shall separately reveal the price for each of the following items: (i) the bars exclusive of extras; (ii) each extra, if any; and (iii) transportation charges. Nothing in this subparagraph shall be construed to prohibit such interim invoicing as the parties may agree upon. If in any case the total amount which is paid on interim invoices exceeds the applicable maximum prices for the total of all deliveries as shown on the seller's final statement as required above, the seller shall refund to the purchaser the amount of such excess.

(b) *Extras.* The following extras may be added where applicable (size extras and bending extras are not applicable extras for spirals or welded stirrups):

(1) Size extras:	Per 100 pounds
3/4" and larger.....	None
5/8".....	\$0.10
1/2".....	.20
3/8".....	.40
1/4".....	1.00

(2) *Quantity extras.* Extras for quantity shall be determined on the basis of the weight of all fabricated concrete reinforcing bars furnished by a single fabricator or reseller to a single purchaser for a specific project, except that if the quantity has been increased from that originally contemplated by a supplemental order or by a change in plans or specifications and the fabricator or reseller has not been informed of the change by the purchaser in time to include the increased quantity in the final shipment, he may add the quantity extra on the increased quantity as determined by the weight of the increase.

	Per 100 pounds
Less than 20 tons, but not less than 5 tons.....	\$0.25
Less than 5 tons, but not less than 1 ton.....	.35
Less than 1 ton.....	.50

(3) *Bending extras:*

Heavy bending:	
Includes bars other than 1/4" and 3/8" bent at not more than 6 points; also radius bending and types not otherwise defined as light bending.....	.40
Light bending:	
Includes all 1/4" and 3/8" bars and 1/2" stirrups and column ties, and all bars of any size bent at more than 6 points.....	.90

(4) <i>Extras for milled or square cut ends:</i>	
Bars 4'0" long and over.....	.20
Bars less than 4'0".....	.30

(5) *Galvanizing extra.* A charge may be made for galvanizing not in excess of the actual cost of the galvanizing to the seller.

(6) *Restrictive specification extras.* For a tensile range more restrictive than the current ASTM specification for the specified grade, the reduction in range to be not more than 5,000 lbs. per square inch: \$0.05 per cwt. For a weight tolerance more restrictive than the current ASTM specification but in no case with a restriction less than 2 1/2 per cent over or under for lot shipments: \$0.10 per cwt.

(7) *Engineering extras.*—Extras for engineering shall be determined on the basis of the weight of all fabricated concrete reinforcing bars furnished by a single fabricator or reseller to a single purchaser for a specific project, except that if the quantity has been increased from that originally contemplated by a supplemental order or by change in plans or specifications and the fabricator or reseller has not been informed of the change by the purchaser before the engineering has been completed, he may add the engineering extras on the increased quantity as determined by the weight of the increase:

(i) Details and placing plans, including listing, from designs by others:

	Extra Per 100 lbs.	Maximum charges
Less than 5 tons.....	\$0.50	\$35.00
5 tons to 19.93 tons.....	.35	120.00
20 tons to 199.93 tons.....	.30	800.00
200 tons to 499.93 tons.....	.20	1,500.00
500 tons and over.....	.15	None

In no case need the charge on any single order be less than \$10.00.

(ii) Listing where no extras are added pursuant to Appendix A (b) (7) (i): \$0.05 per 100 pounds.

(iii) For designing: \$0.20 per 100 pounds in addition to above detailing extras.

(c) *Transportation charges.* The following are the transportation charges which may be added:

(1) *Incoming freight.* (i) Except as otherwise provided in this paragraph (c), where delivery of the concrete reinforcing bars is made to the fabricator outside of the limits of the switching district of a basing point, there may be added the lowest applicable railroad charge for the transportation of an identical quantity of concrete reinforcing bars from the applicable basing point to the railroad siding nearest the plant of the fabricator. (ii) Where delivery of the concrete reinforcing bars is made to the fabricator within the limits of the switching district of a basing point, there may be added the applicable switching charge under Revised Price Schedule No. 6 for an identical quantity: *Provided*, That such switching charge may not exceed \$0.025 per hundred pounds for a sale in carload quantities of twenty-five tons or more, or \$0.10 per hundred pounds for a sale in less than carload quantities, except that for deliveries of thirty tons or more within the limits of the switching district of Chicago, Illinois, such charge may not exceed \$0.03 per hundred pounds; and that in no instance need the switching charge provided for in this subparagraph fall below \$2.00 for any single sale.

(2) *Outgoing freight.* Except as otherwise provided in this paragraph (c), there may also be added the lowest applicable railroad charge for the transportation of an identical quantity of fabricated concrete reinforcing bars from the plant of the fabricator to the point of delivery to the consumer: *Provided*, That where such delivery is made in whole or in part by truck, \$0.10 per hundred pounds may also be added.

(3) *Fabrication in transit.* Except as otherwise provided in this paragraph (c), if the privilege of fabrication in transit at the plant of the fabricator is available between the point of origin of the concrete reinforcing bars and the point of delivery to the consumer, and yields a charge lower than the total charge calculated pursuant to the provisions of paragraphs (c) (1) and (c) (2) for the transportation of an identical quantity

* It should be noted that where the bars are sold by a reseller rather than by a fabricator the transportation charges apply in accordance with the location of whatever plant fabricates the bars rather than the location of the reseller.

from the applicable basing point to the point of delivery to the consumer, the total transportation charge which may be added under paragraph (c) (1) and (c) (2) of this paragraph shall not exceed such lower charge.

(4) *Michigan and Toledo.* (i) No additions for rail freight transportation charges may be made on less than carload quantities for delivery within the switching limits of the City of Detroit, Michigan. (ii) No additions for rail freight transportation charges may be made on carload quantities for delivery within the switching limits of the City of Toledo, Ohio, or the City of Detroit, Michigan. (iii) On less than carload quantities for delivery in the State of Michigan other than the switching limits of the City of Detroit, there may be added: (a) where the lowest applicable railroad charge at the carload rate from Pittsburgh, Pennsylvania, to the point of delivery to the consumer is 32 cents or less per hundred pounds, 15 cents per hundred pounds plus the difference between the lowest applicable railroad charge for the transportation of an identical quantity from Pittsburgh, Pennsylvania, to the point of delivery to the consumer and the lowest railroad charge at the carload rate; or (b) where the lowest applicable railroad charge at the carload rate from Pittsburgh, Pennsylvania, to the point of delivery to the consumer is more than 32 cents per hundred pounds, the lowest applicable railroad charge for the transportation of an identical quantity from the applicable basing point to the point of delivery to the consumer. (iv) On carload quantities for delivery in the State of Michigan other than the switching limits of the City of Detroit there may be added: (a) where the lowest applicable railroad charge at the carload rate from Pittsburgh, Pennsylvania, to the point of delivery to the consumer is 32 cents or less per hundred pounds, 15 cents per hundred pounds; or (b) where the lowest applicable railroad charge at the carload rate from Pittsburgh, Pennsylvania, to the point of delivery to the consumer is more than 32 cents per hundred pounds: the lowest applicable railroad charge for the transportation of an identical quantity from the applicable basing point to the point of delivery to the consumer. (v) In case delivery is made in whole or in part by truck to any point in the State of Michigan or in the City of Toledo, Ohio, \$0.10 per hundred pounds may also be added.

(5) *Direct shipments.* Where a shipment is made directly from the mill to the consumer, irrespective of whether the bars are fabricated or not, the maximum charge which may be added for transportation is the lowest applicable railroad charge for the transportation of an identical quantity from the applicable basing point to the consumer: *Provided*, That where such delivery is made in whole or in part by truck, \$0.10 per hundred pounds may also be added. This subparagraph (5) does not apply to sales for delivery within the State of Michigan and within the switching limits of the City of Toledo, Ohio.

(6) *Welded stirrups.* In the case of welded stirrups the only transportation charges which may be added are: (i) the lowest applicable railroad charge for the transportation of an identical quantity of welded stirrups from Pittsburgh, Pa., Birmingham, Ala., or Chicago, Ill., whichever is most favorable to the purchaser; and (ii) \$0.10 per hundred pounds when delivery is made in whole or in part by truck.

(7) *Segregation.* In computing the rail freight charges pursuant to this paragraph (c), the specific concrete reinforcing bars or fabricated concrete reinforcing bars purchased and sold need not be segregated or otherwise identified by the fabricator: *Provided*, That during any calendar year after January 1, 1943, should the difference be-

tween the total amounts invoiced by a fabricator for freight charges on sales from any plant, office or point of shipment, and the total amounts for freight charges actually incurred by the fabricator at the same plant, office or point of shipment result in an excess or a deficit to the fabricator at such plant, office or point of shipment, such excess shall be dissipated or such deficit may be retrieved by the fabricator by adjustment of freight charges on outgoing shipments from said plant, office or point of shipment on sales during the first three months following such year or, if there are no sales or sales are insufficient during said three months, as soon as sufficient sales are made. In the event a fabricator intends to liquidate his business at any plant, office or point of shipment such excess shall be dissipated immediately on freight charges to be invoiced on subsequent deliveries. In the event that a change in inventory has occurred at the end of any year, the fabricator may adjust any deficit and shall adjust any excess on the basis of the actual weight of reinforcing bars shipped by the fabricator during such year. For the purpose of determining the amount of the deficit to be retrieved or the amount of excess to be dissipated the amount of incoming freight shall be calculated using the weighted average of all incoming freight paid by the fabricator during the year in which the change in inventory occurred. In computing rail freight charges for the purposes of this paragraph no dissipation is required of an excess occasioned for shipments to a purchaser in less than carload quantities where the concrete reinforcing bars were received at the plant of the fabricator in carload quantities and the fabricator subsequently invoiced his purchaser on a less than carload basis for the incoming shipment. Furthermore, in computing the amount of rail freight charges pursuant to this paragraph the fabricator shall adjust for amount due from carriers under shipments on the basis of a fabrication in transit privilege.

Effective date. This regulation shall become effective June 6, 1944.

Note: The reporting provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 1st day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-7926; Filed, June 1, 1944;
12:06 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 435; Amdt. 4]

NEW BICYCLE TIRES AND TUBES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 435 is amended in the following respects:

1. In Table I-C, Appendix C, under the appropriate columns and on the appropriate lines, the maximum price per pair of 26 x 2.125 bicycle tires of the Super Roadmaster brand owned by the Columbus Cycle & Sporting Goods Co.

* Copies may be obtained from the Office of Price Administration.

† 8 F.R. 10419, 12444, 15609; 9 F.R. 978.

shall be \$3.30, and the maximum price per pair of 20 x 2.125, 24 x 2.125, or 26 x 2.125 bicycle tires of the Super Value brand owned by the Columbus Cycle & Sporting Goods Co. shall be \$2.95.

2. In Table I-D, Appendix D, under the appropriate columns and on the appropriate lines, the maximum retail price for a 26 x 2.125 bicycle tire of the Super Roadmaster brand owned by the Columbus Cycle & Sporting Goods Co. shall be \$2.45; the maximum retail price for a 20 x 2.125, 24 x 2.125, or 26 x 2.125 bicycle tire of the Super Value brand owned by the Columbus Cycle & Sporting Goods Co. shall be \$2.20; and the maximum retail price for a 26 x 1.375 bicycle tire of the Cornell Clipper brand owned by The Pep Boys (Philadelphia) shall be \$1.80.

3. In Table II-D, Appendix D, under the appropriate column and on the appropriate line, the maximum retail price for a 26 x 1.375 bicycle tube of the Cornell brand owned by The Pep Boys (Philadelphia) shall be \$1.00.

This amendment shall become effective June 6, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-7928; Filed, June 1, 1944;
12:07 p. m.]

PART 1387—SILVER

[RMPR 198]

SILVER

Maximum Price Regulation No. 198 is redesignated as Revised Maximum Price Regulation No. 198, and is revised and amended to read as follows:

In the judgment of the Price Administrator it is necessary and proper to revise and combine existing regulations and orders relating to silver and to establish maximum prices for silver bullion, semifabricated articles and scrap in a single regulation.

The maximum prices established by this regulation are, in the judgment of the Administrator, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

The Administrator has given due consideration to prices prevailing between October 1 and 15, 1941, and to relevant factors of general applicability, and so far as practicable has consulted with representatives of the industries affected. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Such specifications and standards as are used in this Regulation were, prior to such use, in general use in the trade or industry affected.

§ 1387.1 *Maximum prices for silver.* Under the authority vested in the Price

Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Revised Maximum Price Regulation No. 198 (Silver), which is annexed hereto and made a part hereof is hereby issued.

AUTHORITY: § 1387.1 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4631.

REVISED MAXIMUM PRICE REGULATION 198—SILVER

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SECTION 1. *Commodities covered by this regulation.* (a) This regulation establishes maximum prices for:

- (1) Standard commercial bars and all other forms of silver bullion, whether foreign, domestic or Treasury;
- (2) Semifabricated articles;
- (3) Silver scrap; and
- (4) The processing of silver and silver scrap.

(b) *Definitions.* (1) "Silver bullion" means silver which has been melted, smelted or refined and which is in such state or condition that its value depends primarily upon the silver content and not upon its form.

(2) "Standard commercial bars" means silver bullion in the form of bars weighing approximately 1,000 troy ounces, .999 fine.

(3) "Semifabricated article" means silver which has been melted, smelted or refined, and further processed or combined with other materials by alloying, machining, rolling, drawing, turning, blanking, slitting, cutting, spinning, remelting, recasting or other similar process, or by being subjected to special refining processes, but which is not suitable for ultimate use without further processing or combination with other materials. The term includes, but is not restricted to, silver alloys, grain, shot, crystals, powder, wire, sheet, blanks, circles, solders, brazing alloys, sintered

products, silver-clad metals, silver inlays, and bar silver in weights or degrees of fineness different from the weight or fineness of standard commercial bars. The term also includes sheet, wire and tubing of rolled gold plate or gold filled stock consisting of fine or carat gold on a silver alloy base. It also includes silver scrap produced by suppliers in semifabricating operations and sold by such suppliers as silver casting metal. The term does not include standard commercial bars or any article, other than those specifically referred to herein, which is suitable for ultimate use without further processing or combination with other materials. The term semifabricated article, however, includes any silver bullion in a form other than standard commercial bars and such silver bullion shall be priced in accordance with the provisions of this regulation for the pricing of semifabricated articles containing silver.

(4) "Silver scrap" means materials containing silver, whether in metallic form or not, which are the waste or by-product of metal working of any kind, or of any use of silver in industry or the arts; it also includes all articles containing silver which have been discarded from their original use because of obsolescence, failure, or other reasons. It is, however, limited to materials which derive their principal value from the silver contained therein; and it does not include articles which are still useful in their existing state for their original purpose if such articles are bought and sold for reuse in their existing state for their original purpose. Neither does it include scrap produced by suppliers in semifabricating operations and sold by such suppliers as silver casting metal.

(c) This regulation does not apply to:

(1) Any commodity which is listed in Appendix A or B of Maximum Price Regulation No. 136¹ [Machines and Parts and Machinery Services]; nor to any commodity listed in Appendix A of Maximum Price Regulation No. 188² [Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel]; nor to any commodity for which a maximum price is established by Revised Maximum Price Regulation No. 171³ [Film Scrap]; nor to any commodity for which a maximum price is established by any other price schedule or maximum price regulation, except the General Maximum Price Regulation;

(2) Babbitt metal; silver salts; and lead-base, tin-base, and tin-lead-base solders containing 6 percent silver or less;

(3) Component parts and subassemblies of (1) aircraft, ammunition, armored trains, artillery, balloon barrage equipment, bombs, bomb-sights, caissons, fire control equipment, gas masks,

grenades, gun sights, military bridges, mines, mortars, projectiles, pyrotechnics, small arms, ships and boats and torpedoes; and (2) amphibians, armored vehicles, automobiles, tanks, trailers and trucks sold or delivered for military purposes to the United States or any agency thereof, or the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An act to Promote the Defense of the United States" or any agency of any such Government. The term "component parts and subassemblies" includes all metallic and non-metallic component parts, adjuncts and accessories which have been machined or fabricated. The term does not include raw or unfinished materials or any other materials which are in such form as to permit their use in the manufacture of products other than those listed in this subparagraph.

SEC. 2. *Transactions and persons to which this regulation applies.* (a) This regulation applies to all sales and deliveries of the commodities covered except:

(1) Sales for export, which are covered by the Second Revised Maximum Export Price Regulation⁴;

(2) Sales of silver scrap to persons other than consumers;

(3) Sales by an owner of his used personal or household effects or other personal property used by him; and

(4) Sales of silver by the United States Treasury Department pursuant to an act approved July 12, 1943, entitled "An Act to Authorize The Use For War Purposes of Silver Held or Owned by the United States, (Pub. Law 137, 78th Cong.)." Such sales are likewise exempt from the General Maximum Price Regulation.

(b) This regulation applies to the importation of silver.

(c) This regulation applies to toll or service charges for the processing of scrap or other forms of silver.

SEC. 3. *Maximum prices for standard commercial bars—(a) Definitions.* (1) "Seller's most favorable basing point" means the basing point to which the cost of transportation from the point of shipment is lowest.

(2) "Point of shipment" means the point at which the silver is first loaded on a conveyance for shipment directly to the buyer, except that, in the case of imports, it means the port of entry, or the station of the common carrier nearest to the point on the international boundary at which the shipment first enters the Continental United States.

(b) *Base prices.* The maximum price for standard commercial bars, delivered, free of all charges, to the seller's most favorable basing point, shall be:

For foreign silver: 45 cents per troy ounce .999 fine.

For domestic silver: 71.111 cents per fine troy ounce.

(NOTE: For pricing purposes, Treasury silver is to be considered as domestic silver.)

(c) *Basing points.* The following basing points, or free delivery points, are

¹ 8 F.R. 4132, 5937, 7632, 9333, 15193; ² 9 F.R. 1036.

³ 8 F.R. 16132, 9 F.R. 1523.

⁴ 7 F.R. 5872, 7967, 8943, 8948, 10155; 8 F.R. 537, 1815, 1980, 3105, 3768, 3850, 4140, 4931, 5759, 7107, 8751, 8754, 9830, 10433, 10900, 11037, 12406, 12479, 12185, 12668, 14022, 14766, 16293, 17415; 9 F.R. 1912, 2559, 3035, 3853, 4336, 4506, 4882, 5375.

⁵ 8 F.R. 8547.

⁶ 9 F.R. 1385, 5169.

established for standard commercial bars:

For foreign silver: New York, N. Y., San Francisco, Calif.

For domestic silver: New York, N. Y.; San Francisco, Calif.; Philadelphia, Pa.; Denver, Colo.

(d) *Delivered price.* If delivery is made to the buyer at any point other than the seller's most favorable basing point, the maximum delivered price shall be the applicable one of the prices set out in paragraph (b) of this section, plus the cost of transportation from the point of shipment to the destination, minus the cost of transportation from the point of shipment to the seller's most favorable basing point.

(e) *Price f. o. b. point of shipment.* Standard commercial bars may, of course, be sold f. o. b. point of shipment. The maximum price f. o. b. point of shipment is the maximum delivered price at the seller's most favorable basing point, minus the cost of transportation from the point of shipment to the seller's most favorable basing point.

(f) *Distributor's differentials.* A seller other than a refiner may sell or deliver standard commercial bars in lots of less than 200,000 ounces at the base prices set out in paragraph (b) above, plus the differentials established by this paragraph. Moreover such sales or deliveries, at the prices provided in this paragraph, may be f. o. b. the seller's shipping point rather than on the basis of the seller's most favorable basing point; and, if the seller makes delivery to the buyer's place of business, he may add an amount not in excess of express charges.

Quantity differentials for sellers other than refiners are as follows:

	Cents
100,000 ounces up to but not including 200,000 ounces.....	.25
25,000 ounces up to but not including 100,000 ounces.....	.375
10,000 ounces up to but not including 25,000 ounces.....	.50
5,000 ounces up to but not including 10,000 ounces.....	.75
2,000 ounces up to but not including 5,000 ounces.....	1.25
Under 2,000 ounces.....	2.00

In addition to these quantity differentials a seller other than a refiner may add .375¢ per fine troy ounce on sales of domestic silver.

(g) *Refiner's differentials.* A refiner may add the following quantity differentials to his maximum prices for delivery of standard commercial bars in lots of less than 25,000 ounces at his most favorable basing point:

	Cents
10,000 ounces up to but not including 25,000 ounces.....	.50
5,000 ounces up to but not including 10,000 ounces.....	.75
2,000 ounces up to but not including 5,000 ounces.....	1.25
Under 2,000 ounces.....	2.00

(h) *Credit charges.* A seller of standard commercial bars may add his customary charges for the extension of credit beyond 10 days from date of invoice. However, no charge may be added for credit of shorter duration.

SEC. 4. Maximum prices for semifabricated articles.

(NOTE: The provisions of this section are applicable to sales of silver bullion other than standard commercial bars. However, the maximum prices at which silver bullion (or semifabricated articles) other than standard commercial bars may be imported are to be determined under section 8 rather than under this section).

(a) *Maximum prices.* Maximum prices for semifabricated articles shall be determined by taking as a base the highest price charged by the seller during March 1942 for the same commodity containing foreign silver and adding to this base price 9.634 cents per fine troy ounce of foreign silver, or 36.125 cents per fine troy ounce of domestic silver contained in the article to be priced. (NOTE: For pricing purposes Treasury silver is to be considered as domestic silver.)

(b) *Determination of base price.*—The seller shall determine his base price by applying the first one of the following rules which is applicable: (In applying these rules, the seller must remember that an article he handled in March 1942 which has the same design and specifications as the article to be priced is "the same commodity", even though it was made of foreign silver while the article to be priced may be made of domestic silver. For the purpose of finding the base price, the change from foreign to domestic silver makes no difference.)

Rule 1. Take the highest price at which the seller delivered the same commodity to a purchaser of the same class during March 1942.

Rule 2. Take the highest price at which the seller offered the same commodity for delivery to a purchaser of the same class during March 1942.

Rule 3. Take the highest price at which the seller delivered the same commodity to a purchaser of a different class during March 1942, and adjust it to reflect his customary differential between the two classes of purchasers.

Rule 4. Take the highest price at which the seller's most closely competitive seller of the same class delivered the same commodity to a purchaser of the same class during March 1942.

(c) *Additions to base price.* To find the maximum price, take the base price, figured according to the rules in paragraph (b) of this section, and add 9.634 cents per fine troy ounce of foreign silver or 36.125 cents per fine troy ounce of domestic silver contained in the article sold.

(d) *Terms of sale.* No seller shall change his customary allowances, discounts or other differentials unless the change results in a lower price; and no seller shall require the purchaser to pay any greater proportion of the transportation cost than he required purchasers of the same class to pay in March 1942.

SEC. 5. Maximum prices for sales by manufacturers of semifabricated articles which cannot be priced under section 4—

(a) *Definitions.* (1) "Comparable product" is a silver containing product which has an established maximum price, and which has a similar use and is made by a similar process and by the same manufacturer as the product being priced. If

more than one product can be regarded as comparable, then the one whose current direct costs are nearest to the current direct costs of the product being priced shall be the comparable product. A product is not comparable with the product being priced if its current direct costs vary by more than 25% from the current direct costs of the product being priced. Neither is a product containing foreign silver to be considered as comparable with a product containing domestic or Treasury silver.

(2) "Direct costs" means the sum of direct labor costs and direct material costs. Direct labor costs shall in no event be figured on wage rates higher than those permitted by law, and direct material costs shall in no event be figured on prices higher than the maximum prices established by the applicable price schedule or maximum price regulation.

(b) *Pricing method.* A manufacturer shall determine his maximum price for a semifabricated article which cannot be priced under section 4 by using the following formula:

The maximum price of the comparable product divided by the current direct costs of the comparable product equals the markup factor, which multiplied by the current direct costs of the product to be priced yields the seller's maximum price.

(c) *Terms of sale.* All customary discounts, practices relating to the payment of transportation charges, and other trade practices in effect with respect to the sale of the comparable product shall apply to the maximum price determined under paragraph (b).

(d) *Reports.* Within 10 days after determining a maximum price for a product under paragraph (b), the manufacturer shall submit a report to the Non-Ferrous Metals Branch of the Office of Price Administration, containing a description of the product, a statement of the maximum price determined under paragraph (b), and a statement of how he figured such price. Maximum prices so reported shall thereafter be subject to adjustment (not to apply retroactively) by order issued by the Administrator.

(e) *Pricing method for products which cannot be priced under paragraph (b).* The maximum price for a product which cannot be priced under paragraph (b) shall be a price, in line with the level of maximum prices established by this regulation, to be determined upon specific application to the Office of Price Administration. Prior to the sale of such product, the seller shall submit to the Non-Ferrous Metals Branch of the Office of Price Administration an application for establishment of a maximum price. Such application shall contain a description of the product to be priced, a statement as to why it cannot be priced under paragraph (b), a statement of the seller's proposed maximum price, detailed explanation of how he arrived at that price, and an explanation of the basis upon which such price is believed to be in line with the level of maximum prices established by this regulation. The price submitted for approval shall be deemed to be approved unless the Office of Price

Administration specifically disapproves such price and establishes an approved maximum price within 15 days from the date on which the application is received by the Office of Price Administration, or, if further information is requested from the seller within such 15 day period, then within 15 days from the date on which all such information is received. A price once approved shall thereafter be subject to adjustment (not to apply retroactively) by order issued by the Administrator. A price once approved under this regulation or under regulations previously applicable to silver need not be reported again by the same person.

Sec. 6. *Maximum prices for semifabricated articles which cannot be priced under section 4, when sold by a seller other than a manufacturer*—(a) *Pricing method.* A seller, other than a manufacturer, shall determine his maximum price for a semifabricated article which cannot be priced under section 4, as follows:

(1) Select, from the same general classification and price range as the commodity being priced, the comparable commodity containing silver for which a maximum price is established under section 4 of this regulation, and of which the seller sold the largest number of units during March 1942;

(2) Divide this maximum price for that commodity by his replacement cost of that commodity; and

(3) Multiply the percentage so obtained by the cost to him of the commodity to be priced.

The resulting figure shall be the maximum price for the commodity.

(b) *Terms of sale.* All customary discounts, practices relating to the payment of transportation charges, and other trade practices in effect with respect to the sale of the comparable product shall apply to the maximum price determined under paragraph (a).

(c) *Reports.* Within 10 days after determining a maximum price for a commodity under paragraph (a), the seller shall submit a report to the Non-Ferrous Metals Branch of the Office of Price Administration containing a description of the commodity, a statement of the maximum price determined under paragraph (a), and a statement of how he figured such price. Maximum prices so reported shall thereafter be subject to adjustment (not to apply retroactively) by order issued by the Administrator.

(d) *Pricing method for commodities which cannot be priced under paragraph (a).* If the seller cannot determine his maximum price under paragraph (a) of this section, he shall apply to the Non-Ferrous Metals Branch of the Office of Price Administration for the establishment of a maximum price in accordance with the provisions of section 5 (e).

SEC. 7. *Maximum prices for silver scrap.* The maximum price for silver scrap shall be 44.75¢ per fine troy ounce of silver contained, delivered free of all charges to the buyer's receiving point.

For the purposes of this regulation there is no difference between scrap de-

rived from foreign, domestic or Treasury silver. The maximum price for all silver scrap shall be 44.75¢ per fine troy ounce, except that scrap produced by suppliers in semifabricating operations and sold by such suppliers as silver casting metal may be priced as a semifabricated article containing domestic or Treasury silver if the seller complies with the provisions of this regulation governing the sale of semifabricated articles containing domestic or Treasury silver.

Sec. 8. *Maximum prices at which silver may be imported*—(a) *Standard commercial bars.* Silver in the form of standard commercial bars may not be imported at prices higher than those established in section 3.

(b) *Semifabricated articles and silver bullion other than standard commercial bars.* The maximum price at which semifabricated articles and silver bullion other than standard commercial bars may be imported shall be a price in line with the general level of maximum prices established by this regulation. This price will be established by the Office of Price Administration upon application by the importer to the Non-Ferrous Metals Branch of the Office of Price Administration. This application may be in the form of a letter which shall contain:

(1) The names and addresses of the importer, the party from whom he is purchasing, any agents involved in the transaction, and the point to which delivery is to be made;

(2) A description of the commodity for which a maximum price is sought, including the form and the degree of fineness; and

(3) The maximum price proposed by the applicant, together with any facts tending to show that the proposed price is in line with the general level of maximum prices established by this regulation.

Pending establishment of a maximum price, any person, otherwise authorized by law, may import, or offer or agree to import, semifabricated articles or silver bullion other than standard commercial bars, so long as the contract provides that the price shall not exceed the price to be approved by the Office of Price Administration. A price once approved under this regulation or under regulations previously applicable to silver need not be reported again by the same person.

(c) *Silver scrap.* Silver scrap may not be imported at a price higher than that established in section 7.

Sec. 9. *How domestic, Treasury and foreign silver are distinguished*—(a) *Definitions.* (1) "Domestic silver" means silver which the Director of the Mint, subject to any regulations which have been or may hereafter be prescribed by the Secretary of the Treasury pursuant to section 4 (c) of the Act of July 6, 1939, is satisfied has been mined subsequent to July 1, 1939, from natural deposits in the United States or any place subject to the jurisdiction thereof.

(2) "Treasury silver" means silver sold by the United States Treasury Department pursuant to an Act approved July

12, 1943, entitled "An Act to Authorize the Use for War Purposes of Silver Held or Owned by the United States", (Pub. Law 137, 78th Cong.).

(3) "Foreign silver" is any silver other than domestic or Treasury silver, as defined above.

(b) *Pricing of Treasury silver.* Treasury silver is to be considered as domestic silver for pricing purposes.

(c) *Fungibility of silver stocks recognized.* Although this regulation deals with three kinds of silver (domestic, Treasury and foreign), it is recognized that all three kinds of silver are physically identical and no person is required to keep his stocks of silver physically separate as to kind in order to charge the higher prices authorized for domestic or Treasury silver or for semifabricated articles containing such silver. Sale at such higher prices is permitted, however, only when the seller complies with the provisions, where applicable, of sections 10 and 11.

Sec. 10. *Requirements where a refiner sells silver as domestic silver*—(a) *Surrender of miner's affidavits.* As a condition to his right to charge the higher price allowed for domestic silver, a refiner must prove that the silver which he sells is domestic silver by submitting, not later than the 25th day of the month following the month in which the sale is made, to the Director of the Mint, Washington, D. C., miners' affidavits executed on Treasury Department Forms TSA-2 and/or TSA-2A, pursuant to section 80.7 of the Newly-Mined Domestic Silver Regulations of July 6, 1939, sufficient to cover the quantity of silver sold; and must authorize and direct the Director of the Mint to cancel such affidavits.

(b) *Invoice.* The refiner must give an invoice to the buyer containing:

(1) The names and addresses of the buyer and seller;

(2) A description of the silver sold, including the degree of fineness and the quantity in troy ounces;

(3) The prices charged; and

(4) The following certification:

We certify that the silver covered by this invoice is domestic silver, and that miners' affidavits on Treasury Department Forms TSA-2 and/or TSA-2A, sufficient to cover this quantity of silver, have been forwarded to the Director of the Mint for verification and cancellation, or are in our possession and will be so forwarded within the time allowed by the Office of Price Administration.

The buyer must retain this invoice, and the seller must retain a copy for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(c) *Corrections.* If the proper affidavits are filed in accordance with paragraph (a) of this section, and if the silver is invoiced and certified as required in paragraph (b), the character of the silver as domestic silver shall be deemed to be prima facie established. However, if within one year from the date on which affidavits applicable to the last sale under this regulation are received,

the Director of the Mint notifies the refiner that the United States Coinage Mints are not satisfied that such silver (or part of it) was in fact eligible for deposit under the Act of July 6, 1939; then:

(1) The refiner must submit for cancellation additional affidavits sufficient to cover an equivalent amount of silver and transfer such amount of silver from its domestic silver account to its foreign silver account for sale only as foreign silver; or

(2) The price must be adjusted downward to the maximum price for foreign silver; the refiner must refund any payment in excess of that maximum price; and the buyer must accordingly adjust his records of the amount of domestic silver purchased by him.

SEC. 11. Requirements where a seller, other than a refiner selling domestic silver, sells silver as domestic or Treasury silver—(a) Explanation. A person who buys domestic or Treasury silver, and who resells silver bullion or manufactures and sells semifabricated articles, is permitted to pass on to the buyers of such commodities the higher cost of domestic or Treasury silver. In order to do this, however, the seller is required to keep an account of the domestic and the Treasury silver which he buys and sells; and he is permitted to deliver, or settle for, and to receive payment for bullion or semifabricated articles as being or containing domestic or Treasury silver only if the silver contained in the commodities thus sold is not in excess of the amount of domestic and Treasury silver which he has bought and has not sold or otherwise disposed of.

(b) Inventory of domestic and Treasury silver. (1) No seller (other than a refiner selling under section 10), shall sell bullion or semifabricated articles as being or containing domestic or Treasury silver unless his inventory record shows that his purchases of domestic and Treasury silver have exceeded his sales or other disposals of such silver by an amount at least equal to the silver which he proposes to sell.

(2) This inventory record must be kept in terms of fine troy ounces of silver. Domestic or Treasury silver purchased in the form of standard commercial bars or in other forms of bullion or as semifabricated articles may be added to this inventory account; and such silver under firm contract of purchase for future delivery may be considered as purchased and may be added to this inventory account within 5 months of the contract delivery date, subject to later adjustment if not actually delivered within that time. No silver shall, however, be added to or considered a part of this inventory account unless invoiced and certified at the time of delivery as domestic or Treasury silver.

(3) The fine silver content of all bars, semifabricated articles and other commodities which the seller disposes of as being or containing domestic or Treasury silver must be subtracted from this inventory account. Thus, if a seller has

sold an article subject to Maximum Price Regulation 188 at the price allowed by that regulation for certain articles containing domestic silver, he must, when the article is delivered, reduce his inventory account of domestic and Treasury silver by an amount equal to the fine silver content of the article sold. It is not necessary to make any deduction from this inventory account of domestic or Treasury silver by reason of scrap and processing losses. With these two exceptions, however, any loss or disposition of domestic or Treasury silver must be deducted from this inventory account.

(4) For purposes of determining current inventory of domestic and Treasury silver, bullion, semifabricated articles and other articles containing silver will be considered to have been "delivered" if they have been delivered to the buyer or loaded on any carrier, including a carrier owned and controlled by the seller, for delivery to the buyer. Where there is no physical delivery, settlement shall be considered as the equivalent of delivery. If bullion or semifabricated articles sold as being or containing domestic or Treasury silver are rejected or returned by the buyer, the seller may adjust his inventory account accordingly.

(5) Any person subject to this regulation may begin his inventory record with the closing inventory figure shown on the latest report filed with the Office of Price Administration on Form OPA 677-125A.

(c) Invoice and certificate. No seller (other than a refiner selling domestic silver) shall sell bullion or semifabricated articles as being or containing domestic or Treasury silver unless he gives to the buyer an invoice containing:

(1) The names and addresses of the buyer and the seller;

(2) A description of the articles sold, including the silver content in fine troy ounces;

(3) The prices charged; and

(4) The following certification:

We hereby certify that the articles listed in this invoice contain domestic (Treasury) silver as defined in Revised Maximum Price Regulation No. 198.

The buyer must retain this invoice, and the seller must retain a copy thereof, for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

SEC. 12. Toll or service charges—(a) Services covered. This regulation applies to charges made for the refining, casting or other processing of silver, silver scrap, or other material containing silver so as to produce silver bullion or semifabricated articles. This regulation does not apply, however, to any charge made for the milling, smelting or refining of copper, lead or zinc ores, concentrates, mattes, speiss, bullion, slimes or dore. Neither does it apply to any charge made for the processing of any other material unless the principal value of such material is derived from the silver contained therein.

(b) Maximum charges. The maximum charge or price for any service covered by this regulation shall be the first of the following which is applicable:

(1) The highest price which the same person charged for the same service during March 1942;

(2) The highest price which the same person quoted for the same service to be performed during March 1942; or

(3) A price to be determined upon specific application to the Office of Price Administration in accordance with the provisions of section 5 (e).

SEC. 13. Records and reports. (a) On sales of domestic silver by refiners both seller and buyer must retain the records required by section 10 (b) above.

(b) On sales of domestic or Treasury silver by other sellers both seller and buyer must retain the records required by section 11 (c) above. The seller must likewise keep a record of his purchases and sales of domestic and Treasury silver for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(c) This regulation requires the submission of reports by the following:

(1) Sellers determining maximum prices for semifabricated articles under section 5 or section 6.

(2) Importers determining maximum prices for semifabricated articles and silver bullion other than standard commercial bars under section 8 (b).

(3) Persons determining maximum prices for services under section 12 (b) (3).

(d) Persons subject to this regulation shall keep such other records and submit such other reports to the Office of Price Administration as the Administrator may from time to time require, subject to approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

SEC. 14. Applicability of regulation—(a) Geographical. This regulation applies to the 48 states of the United States and the District of Columbia (referred to in the regulation as "the continental United States").

(b) Export sales. The maximum price at which any person may export silver bullion, semifabricated articles or scrap shall be determined in accordance with the Second Revised Maximum Export Price Regulation issued by the Office of Price Administration.

(c) Import sales. The maximum price at which anyone may import silver bullion, semifabricated articles or scrap shall be determined under this regulation. (See section 8).

(d) Relation to other regulations. (1) This regulation supersedes the General Maximum Price Regulation and all orders (except individual adjustment orders) and supplementary regulations under the General Maximum Price Regulation as to all sales and deliveries which are covered by this regulation or specifically exempted therefrom. Specifically, this regulation supersedes the following:

(1) Order 62 under § 1499.3 (b) of the General Maximum Price Regulation (Standard

Commercial Bars of Newly-mined Domestic Silver);

(i) Section 5.4 of Revised Supplementary Regulation 14 to the General Maximum Price Regulation (Semifabricated articles containing newly-mined domestic silver); and

(iii) Section 5.5 of Revised Supplementary Regulation 14 to the General Maximum Price Regulation (Silver other than newly-mined domestic silver).

(2) This regulation does not affect Maximum Price Regulation No. 136 (Machines and Parts and Machinery Services), nor Maximum Price Regulation No. 177 (Film Scrap), nor Maximum Price Regulation No. 188 (Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods other than Apparel), nor any other price schedule or maximum price regulation, except as stated above. Nor does it affect the following parts of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation:

(i) Section 5.1 (Silver salts); and

(ii) Section 5.2 (Solder and babbitt metal containing silver).

SEC. 15. Adjustable pricing. Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorizations has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of individual application for adjustment.

SEC. 16. Applications for adjustment—
(a) *When available.* The Office of Price Administration may, by order, adjust any maximum price established by this regulation whenever it finds, from an application for adjustment or on its own motion, that the price impedes or threatens to impede any seller's production or distribution of any commodity and that the seller's production or distribution is necessary for essential war or civilian purposes. (This section is, under like conditions, applicable to the maximum price of services as well as commodities.)

(b) *Considerations.* In determining whether production is impeded or threatened, among other factors, consideration will be given to: (1) costs of and revenue from the commodity in question; (2) the relative importance of the commodity in the seller's over-all business; (3) the profitableness of the seller's business; and (4) any special facts which the seller calls to the attention of the Office of Price Administration.

(c) *Amount of adjustment.* Increase in price will be permitted in an amount which the Office of Price Administration considers sufficient to avoid the impeding of production or the threat of impeding production.

(d) *Form of application.* An original and copy of an application for adjustment must be filed with the Office of Price Administration, Washington, D. C. It is suggested that, before filing an application for adjustment under the provisions of this section, the seller obtain from the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C., a statement of the specific information that will be necessary in order that his application may receive prompt action.

SEC. 17. Petitions for amendment. Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of the Revised Procedural Regulation No. 1⁶ issued by the Office of Price Administration.

SEC. 18. Prohibitions. (a) Regardless of any contract or other obligation,

(1) No person shall sell or deliver silver scrap to a consumer at a price higher than the maximum;

(2) No consumer shall buy or receive silver scrap in the course of trade or business at a price higher than the maximum;

(3) No person shall sell or deliver silver bullion or any semifabricated article to any person at a price higher than the maximum;

(4) No person in the course of trade or business shall buy or receive silver bullion or any semifabricated article at a price higher than the maximum;

(5) No person in the course of trade or business shall import silver bullion, semifabricated articles, or silver scrap at a price higher than the maximum;

(6) No person shall invoice, sell, deliver or settle for any silver bullion or any semifabricated article at a price higher than the maximum price which would be applicable if the silver in the commodity sold were foreign silver, unless the silver in the commodity sold qualifies as domestic or Treasury silver under this regulation, and unless the seller complies fully with all the applicable provisions of sections 10, 11 and 13 of this regulation, relating to evidence of origin, invoicing, certification and record-keeping; and

(7) No person shall pay or receive a price higher than the maximum for any service covered by section 12 of this regulation.

(b) No person shall agree, offer, solicit or attempt to do any of the acts prohibited in paragraph (a) of this section.

(c) Any practice or device which is an attempt to get the effect of a price higher than the maximum price without actually charging or paying more than the maximum is prohibited, and is just as much a violation of this regulation as an outright excessive price. This applies

to devices involving commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like. It likewise applies to the practice of sawing standard commercial bars and selling the resulting part bars in quantities of 1,000 ounces or more as semifabricated articles.

(d) Prices lower than the maximum prices established by this regulation may be charged, demanded, paid or offered.

SEC. 19. Enforcement. Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended, and proceedings for the suspension of licenses.

SEC. 20. Licensing. The provisions of Licensing Order No. 1,⁷ licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violation of the license or of any one or more maximum price regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 21. Definitions.

(Note: Definitions are interspersed throughout this regulation where it seems desirable to include them in the text. These definitions are not repeated below but reference is made to the place in the regulation at which they appear. Certain definitions which do not appear elsewhere are set out below.)

(a) (1) "Bullion", see section 1 (b) (1).

(2) "Comparable product", see section 5 (a) (1).

(3) "Component parts and subassemblies", see section 1 (c) (3).

(4) "Consumer" means any person whose business consists in whole or in part of smelting, refining, melting, or otherwise processing scrap into a form other than scrap, or in having scrap so processed for his account by another person under a toll or conversion agreement. Any parent or subsidiary corporation of a consumer corporation, and any corporation owned, operated, affiliated with, under common control with, or otherwise controlled by a consumer, and any corporation owned, operated, or otherwise controlled by a consumer or an officer or director of a consumer corporation shall also be considered to be a consumer.

(5) "Continental United States", see section 14 (a).

(6) "Delivered during March 1942" means received during that month by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

(7) "Direct costs", see section 5 (a) (2).

(8) "Domestic silver", see section 9 (a) (1).

(9) "Foreign silver", see section 9 (a) (3).

(10) "Import" means to buy, to receive, or in any manner to pay for silver bullion,

⁷ F.R. 8961; 8 F.R. 3313, 3533, 6173, 11808; 9 F.R. 1594.

⁸ F.R. 13240.

semifabricated articles or silver scrap pursuant to or in connection with any transaction, contract or agreement whereby any silver bullion, semifabricated article, or silver scrap is transported or is to be transported into the continental United States from any place outside the continental United States.

(11) "Most closely competitive seller of the same class" means the seller of the same class, selling the same (or a similar) commodity, who is closely competitive in the sale of such commodities and is located nearest to the seller who is seeking to determine a maximum price.

(12) "Person" includes an individual, corporation, partnership, association or other organized group of persons, or the legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political subdivisions, or any agency of any of the foregoing.

(13) "Point of shipment", see section 3 (a) (2).

(14) "Price at which a seller offered a commodity" means the price quoted in his price list, or, if he had no such price list, the price which he regularly quoted in any other manner. But a price intended to withhold a commodity from the market, or a price offered as a bargaining price by a seller who usually sells for less than his asking price, is not an offering price for the purposes of this regulation.

(15) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for commodities for sale to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, government agency, public institution) or for purchasers in different areas, or for different quantities or grades, or under different conditions of sale.

(16) "Refiner" means a person who produces silver bullion from ores, ore concentrates, or other silver-bearing materials. Such a producer shall not, however, be considered a refiner when selling or delivering silver other than that which he has produced from ores, concentrates or other materials.

(17) "Scrap silver", see section 1 (b) (4).

(18) "Seller of the same class" means a seller of similar type, performing the same function, dealing in the same type of commodities, and selling to the same class of purchaser.

(19) "Seller's most favorable basing point", see section 3 (a) (1).

(20) "Semifabricated articles", see section 1 (b) (3).

(21) "Silver bullion", see section 1 (b) (1).

(22) "Silver scrap", see section 1 (b) (4).

(23) "Standard commercial bars", see section 1 (b) (2).

(24) "Supplier" means a person who, in the regular course of his business, processes silver and produces and sells semifabricated articles.

(25) "Treasury silver", see section 9 (a) (2).

(b) Unless the text otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

This regulation shall become effective on the 6th day of June 1944.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 1st day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-7927; Filed, June 1, 1944;
12:07 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1, to GMPR, Amdt. 57]

VITAMIN ENRICHED CONCENTRATES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 2.3 (v) is added to read as follows:

(v) Vitamin enriched concentrates when used exclusively for enriching wheat flour in the manner provided for in the definition and standard of identity for enriched flour as promulgated by the Federal Security Administrator.

This amendment shall become effective June 6, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-7930; Filed, June 1, 1944;
12:07 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 137]

SILVER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Supplementary Regulation No. 14 is amended in the following respect:

1. Section 5.4 (Semifabricated Articles Containing Newly-mined Domestic Silver) and section 5.5 (Silver Other Than Newly-mined Domestic Silver) are hereby revoked.

This amendment shall become effective June 6, 1944.

*Copies may be obtained from the Office of Price Administration.
*8 F.R. 4978.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of June 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-7931; Filed, June 1, 1944;
12:07 p. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts

CONTRACTS FOR EVAPORATED AND POWDERED SKIMMED MILK

NOTICE OF CONTINUANCE OF EXCEPTION

In the matter of an exception from the provisions of the Walsh-Healey Public Contracts Act of contracts for evaporated milk and powdered skimmed milk.

A public hearing was held before Merle D. Vincent, Director of the Exemptions Branch of the Wage and Hour and Public Contracts Division in Room 7129, Labor Department Building, Washington, D. C., on March 21, 1944, pursuant to a public notice by the Secretary of Labor published in the FEDERAL REGISTER on March 10, 1944 (9 F.R. 2697), for the purpose of receiving evidence and hearing argument from all interested parties on the question whether the exception of November 31, 1942, permitting the award of Government contracts for evaporated milk and powdered skimmed milk without the inclusion in such contracts of the representations and stipulations of section 1 of the Walsh-Healey Public Contracts Act shall be extended to December 31, 1944, in accordance with the provisions of section 6 of the act. The testimony and documents received pursuant to the notice have been duly considered by the presiding officer and he has filed a report with me finding that there is insufficient data in the record upon which to make a proper final determination of this matter and recommending (1) that further evidence be secured on costs of production, and (2) that the exception be extended temporarily until September 1, 1944, pending a final determination upon receipt of such evidence. I have reviewed the report of the presiding officer and have determined to accept his recommendations.

Now, therefore, it is ordered, That:

1. The parties specified in the presiding officer's report shall furnish the information described therein to the Secretary of War prior to July 15, 1944; and
2. The exception from the provisions of the Walsh-Healey Public Contracts Act of contracts for evaporated milk and powdered skimmed milk shall be continued to September 1, 1944, pending a final determination upon receipt of such information.

Signed at Washington, D. C., this 26th day of May 1944.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 44-7871; Filed, May 31, 1944;
12:16 p. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

AMENDMENTS TO REGULATIONS AND APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4488, 4491, as amended, 49 Stat. 1544 (46 U. S. C. 375, 391a, 404, 481, 489, 367), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following amendments to the regulations and approval of equipment are prescribed:

Subchapter D—Tank Vessels

PART 37—SPECIFICATIONS FOR LIFESAVING APPLIANCES

Section 37.1-4 (f) is amended by the addition of the following sentence:

§ 37.1-4 *Lifeboat davits—TB/ALL.* * * *

(f) * * * For each reduction of 0.01 percent below the maximum specified carbon content, an increase of 0.04 percent manganese above the specified maximum will be permitted up to a maximum of 1.00 percent.

Subchapter G—General Rules and Regulations for Vessel Inspection, Ocean and Coastwise

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)

Section 59.3 (1) is amended by the addition of the following sentence to immediately follow the table:

§ 59.3 *Strength and operation of davits.* * * *

(1) * * * For each reduction of 0.01 percent below the maximum specified carbon content, an increase of 0.04 percent manganese above the specified maximum will be permitted up to a maximum of 1.00 percent.

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)

Section 60.21 is amended in the 9th undesignated paragraph on "Chemical composition of castings intended to be fabricated by fusion welding" by the addition of the following sentence to immediately follow the table:

§ 60.21 *How lifeboats shall be carried; davits and cranes required.* * * *

For each reduction of 0.01 percent below the maximum specified carbon content, an increase of 0.04 percent manganese above the specified maximum will be permitted up to a maximum 1.00 percent.

Subchapter H—General Rules and Regulations for Vessel Inspection, Great Lakes

PART 76—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 76.15 is amended in the 9th undesignated paragraph on "Chemical composition of castings intended to be fabricated by fusion welding" by the addition of the following sentence to immediately follow the table:

§ 76.15 *How lifeboats shall be carried; davits and cranes required.* * * *

For each reduction of 0.01 percent below the maximum specified carbon content, an increase of 0.04 percent manganese above the specified maximum will be permitted up to a maximum of 1.00 percent.

Subchapter I—Bays, Sounds and Lakes Other Than the Great Lakes: General Rules and Regulations

PART 94—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 94.14 is amended in the 9th undesignated paragraph of "Chemical composition of castings intended to be fabricated by fusion welding" by the addition of the following sentence to immediately follow the table:

§ 94.14 *How lifeboats shall be carried; davits and cranes required.* * * *

For each reduction of 0.01 percent below the maximum specified carbon content, an increase of 0.04 percent manganese above the specified maximum will be permitted up to a maximum of 1.00 percent.

Subchapter J—General Rules and Regulations for Vessel Inspection, Rivers

PART 113—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 113.23 is amended in the 9th undesignated paragraph on "Chemical composition of castings intended to be fabricated by fusion welding" by the addition of the following sentence to immediately follow the table:

§ 113.23 *How lifeboats shall be carried; davits and cranes required.* * * *

For each reduction of 0.01 percent below the maximum specified carbon content, an increase of 0.04 percent manganese above the specified maximum will be permitted up to a maximum of 1.00 percent.

APPROVAL OF EQUIPMENT

LIFE RAFT

20-person, improved type, aluminum-plywood life raft (Arrangement and Details Dwg. No. R-205-X, dated 26 February, 1944, revised 10 April, 1944), manufactured by Gunderson Bros. Engineering Corp., 4700 Northwest Front Avenue, Portland, Oregon.

R. R. WAESCHE,
Vice Admiral, U. S. C. G.,
Commandant.

MAY 31, 1944.

[F. R. Doc. 44-7889; Filed, June 1, 1944; 9:11 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Administrative Order ODT 18]

PART 503—ADMINISTRATION

EXERCISE OF DELEGATED AUTHORITY

—Pursuant to the Act of May 31, 1941, as amended by the Second War Powers Act, 1942, the Act of October 16, 1941, as amended, the Act of December 1, 1942, Executive Orders 8989, as amended, 9156,

9214, and 9294, War Production Board Directive 21, and War Production Board General Conservation Order M-100, as amended, it is hereby ordered that:

Sec.

503.375 Assistant Director, Office of Defense Transportation, in charge of the Highway Transport Department.

503.376 Regional Directors, Highway Transport Department, Office of Defense Transportation.

503.377 District Managers, Highway Transport Department, Office of Defense Transportation.

AUTHORITY: §§ 503.375 to 503.377, inclusive, issued under Act of May 31, 1941, as amended by the Second War Powers Act, 1942, 56 Stat. 176, 50 App. U. S. Code 631 through 645a; Act of October 16, 1941, 55 Stat. 742, 50 App. U. S. Code 721 through 724; Act of December 1, 1942, 56 Stat. 1024, 50 App. U. S. Code 841, 842; E.O. 8939, 6 F.R. 6725 and 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221; War Production Board Directive 21, 8 F.R. 5834; War Production Board Conservation Order M-100, 7 F.R. 1632, 4030 and 5705.

§ 503.375 *Assistant Director, Office of Defense Transportation, in charge of the Highway Transport Department.* The Assistant Director, Office of Defense Transportation, in charge of the Highway Transport Department, is hereby authorized and directed to perform the functions and exercise the authority delegated to the Director, Division of Local Transport, Office of Defense Transportation, and the Director, Division of Motor Transport, Office of Defense Transportation, in outstanding orders issued by the Office of Defense Transportation. Such authority may be exercised by the Assistant Director through such members of the staff of the Office of Defense Transportation as he may designate.

§ 503.376 *Regional Directors, Highway Transport Department, Office of Defense Transportation.* The Regional Directors, Highway Transport Department, Office of Defense Transportation, are hereby authorized to perform the functions and exercise the authority delegated to the Regional Directors, Division of Local Transport, Office of Defense Transportation, and the Regional Directors, Division of Motor Transport, Office of Defense Transportation, in outstanding orders issued by the Office of Defense Transportation.

§ 503.377 *District Managers, Highway Transport Department, Office of Defense Transportation.* The District Managers, Highway Transport Department, Office of Defense Transportation, are hereby authorized and directed to perform the functions and exercise the authority delegated to the District Managers, Division of Motor Transport, Office of Defense Transportation, in outstanding orders issued by the Office of Defense Transportation.

This Administrative Order ODT 18 shall become effective June 1, 1944.

Issued at Washington, D. C., this 31st day of May 1944.

J. M. JOHNSON,
Director,

Office of Defense Transportation.

[F. R. Doc. 44-7891; Filed, June 1, 1944; 10:27 a. m.]

Notices

TREASURY DEPARTMENT.

Office of the Secretary.

TIRES AND INNER TUBES SOLD TO WAR AND NAVY DEPARTMENTS

EXEMPTION FROM TAXES

MAY 31, 1944.

By virtue of the authority vested in me by section 307 (c) of the Revenue Act of 1943 (Public Law 235, 78th Congress, 2d Session) exemption is hereby authorized from the taxes imposed under section 3400 of the Internal Revenue Code, as amended, (26 U.S.C. 3400) relating to tires and inner tubes, when such tires and tubes are sold under appropriate tax-exemption certificates to any person for use as component parts in the manufacture of an article which is to be sold direct to the War Department of the United States or direct to the Navy Department of the United States at a price not including the tax on the tires and tubes.

Unless sooner terminated this authorization shall expire at the close of the last day of the sixth full calendar month following the date of the termination of hostilities in the present war.

[SEAL] • JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44-7884; Filed, May 31, 1944;
4:08 p. m.]

DEPARTMENT OF THE INTERIOR.

Coal Mines Administration.

[Order CMA-31]

AMERICAN ROLLING MILL CO., ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION

On December 17, 1943, a wage agreement was entered into by the United Mine Workers of America and the representatives of the bituminous coal operators who produce the great preponderance of the nation's tonnage. This agreement has been approved by the National War Labor Board and the Director of Economic Stabilization.

I have been advised that the operators listed in Appendix A, attached hereto, have executed or are about to execute contracts and will put them into effect immediately upon termination of Government possession of their mining properties. On the basis of such advice and the available information and evidence, and after consideration of all of the circumstances, I find that Government possession of the mines of such operators is no longer required, and in accordance with the provisions of Executive Order No. 9393 (8 F.R. 14877) and the War Labor Disputes Act (Pub. 89, 78th Cong. 1st Sess.) should be terminated.

Accordingly, I order and direct that the possession by the Government of the mines of the mining companies listed in Appendix A, attached hereto and made a part hereof, including any and all real and personal property, franchises, rights,

facilities, funds and other assets used in connection with the operation of such mines, be, and it is hereby terminated, and that there be displayed conspicuously at those mining properties copies of a poster to be supplied by the Coal Mines Administration, and reading as follows:

NOTICE: Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

In accordance with section 40 of the regulations for the operation of coal mines under Government control, as amended (8 F.R. 6655, 10712, 11344, 17339), the appointments of the Operating Managers for the United States for all of the aforesaid mines with respect to which the mining companies have on file with the Administrator effective instruments of agreement and certification as provided for in section 25 of the regulations, as amended (8 F.R. 6655, 10712, 11344, 17339), are automatically terminated.

Nothing contained herein shall be deemed to preclude the Government from requiring the submission of information relating to operations during the period of Government possession, for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9393 (8 F.R. 14877) may be concluded in an orderly manner.

Dated: May 31, 1944.

[SEAL] HAROLD L. ICKES,
Secretary of the Interior.

APPENDIX A

Name of Mining Company and Address

American Rolling Mill Co., 703 Curtis Street, Middletown, Ohio.
Black Mountain Corp., 231 S. La Salle St., Chicago, Illinois.
Crab Orchard Improvement Co., Room 407, 332 S. Michigan Ave., Chicago, Illinois.
Deepwater Coal Co., Crownhill, West Virginia.
Diamond Coal Mining Company, 1010 Hamilton Bank Bldg., Knoxville, Tennessee.
Elkhorn Coal Co., 230 South Clark Street, Chicago, Illinois.
Inland Steel Co., 38 South Dearborn St., Chicago, Illinois.
Kanawha and New River Barge & Rail Coal Mines, Inc., Crownhill, West Virginia.
Kingston-Pocahontas Coal Co., 40 Rector St., New York, New York.
Peabody Coal Co., 231 S. La Salle St., Chicago, Illinois.
Raleigh-Wyoming Mining Co., 230 South Clark St., Chicago, Illinois.
Republic Steel Corp., 609 Fayette Title and Trust Bldg., Uniontown, Pennsylvania, and Box 2594, Birmingham, Alabama.
Riverton Coal Company, Crownhill, West Virginia.
Semet Solvay Company, 40 Rector Street, New York, New York.
Stone Coal Co., P. O. Box 1230, Beckley, West Virginia.
Tennessee Coal, Iron & Railway Co., Brown-Marx Bldg., Birmingham, Alabama.
United States Coal & Coke Co., Frick Bldg., Pittsburgh, Pennsylvania.
West Virginia Coal & Coke Corp., 705 Atlas Bank Bldg., P. O. Box 1460, Cincinnati, Ohio.

[F. R. Doc. 44-7922; Filed, June 1, 1944;
11:30 a. m.]

[Order CMA-32]

MINES IN DESIGNATED DISTRICTS

ORDER TERMINATING GOVERNMENT POSSESSION

On December 17, 1943, a wage agreement was entered into by the United Mine Workers of America and the representatives of the bituminous coal operators who produce the great preponderance of the nation's tonnage. This agreement has been approved by the National War Labor Board and the Director of Economic Stabilization.

I have been advised that these operators and other operators who have executed or are about to execute contracts produce the great preponderance of tonnage in the districts listed in Appendix A, attached hereto, and that they will put the contracts into effect immediately upon termination of Government possession of their mining properties. On the basis of such advice and the available information and evidence, and after consideration of all of the circumstances, I find that Government possession of the coal mining properties located in the districts listed in Appendix A is no longer required, and in accordance with the provisions of Executive Order No. 9393 (8 F.R. 14877) and the War Labor Disputes Act (Pub. No. 89, 78th Cong. 1st Sess.) should be terminated.

Accordingly, I order and direct that the possession by the Government of the bituminous coal mines located in the districts listed in Appendix A, attached hereto and made a part hereof, including any and all real and personal property, franchises, rights, facilities, funds and other assets used in connection with the operation of such mines and the distribution and sale of their products be, and it is hereby terminated, and that there be displayed conspicuously at those mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE: Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

In accordance with section 40 of the regulations for the operation of coal mines under government control, as amended, (8 F.R. 6655, 10712, 11344, 17339), the appointments of the Operating Managers for the United States for all of the aforesaid mines with respect to which the mining companies have on file with the Administrator effective instruments of agreement and certification as provided for in section 25 of the regulations, as amended (8 F.R. 6655, 10712, 11344, 17339), are automatically terminated.

Nothing contained herein shall be deemed to preclude the Government from requiring the submission of information relating to operations during the period of Government possession, for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9393

(8 F.R. 14877) may be concluded in an orderly manner.

Dated: May 31, 1944.

[SEAL] HAROLD L. ICKES,
Secretary of the Interior.

APPENDIX A

The mines of which Government possession is terminated by this order are all of the coal mines, now in Government possession, which are located within the boundaries of the following producing districts, as defined in the Bituminous Coal Act of 1937:

Districts Nos. 1, 2, 3, 4, 5, 6, 10, 11 and 23.

Also, all mines in District No. 13, except those located in the State of Tennessee.

[F. R. Doc. 44-7923; Filed, June 1, 1944;
11:30 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-472]

EL PASO NATURAL GAS CO.

ORDER POSTPONING HEARING

MAY 30, 1944.

It appearing to the Commission that:

(a) By its order of May 20, 1944, the Commission ordered that the record in the above-docketed matter be reopened for the purpose of taking evidence respecting the matters involved and the issues presented by the amendatory application filed February 15, 1944, at a public hearing to be held commencing June 12, 1944, in Court Room No. 417, U. S. Courthouse Building, Ft. Worth, Texas;

(b) Counsel for applicant, by telegrams received May 22, 1944, and May 25, 1944, advised that previous commitments prevent him and his witnesses from attending the hearing at such time and place;

(c) Good cause exists for the postponement of the hearing in this matter; The Commission orders that:

The hearing in the above-entitled matter now set to commence on June 12, 1944, be and the same is hereby postponed to June 21, 1944, at 10:00 a. m. (c. w. t.) in Court Room No. 417, U. S. Courthouse Building, Ft. Worth, Texas.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 44-7924; Filed, June 1, 1944;
11:53 a. m.]

[Docket No. G-542]

EL PASO NATURAL GAS CO.

ORDER POSTPONING HEARING

MAY 30, 1944.

It appearing to the Commission that:

(a) By its order of May 20, 1944, the Commission ordered that the hearing in the above-docketed matter commence on June 13, 1944, at 9:45 a. m., in Court Room No. 417, U. S. Courthouse Building, Ft. Worth, Texas;

(b) Counsel for applicant, by telegrams received May 22, 1944, and May 25, 1944, advised that previous commitments pre-

No. 110.—4

vent him and his witnesses from attending the hearing at such time and place; (c) Good cause exists for the postponement of the hearing in this matter.

The Commission orders that:

The hearing in the above-entitled matter be and the same is hereby postponed to June 22, 1944, at 10:00 a. m. (c. w. t.) in Court Room No. 417, U. S. Courthouse Building, Ft. Worth, Texas.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 44-7925; Filed, June 1, 1944;
11:53 a. m.]

FEDERAL TRADE COMMISSION.

[Docket 5031]

WAKITA HERB CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 31st day of May, A. D. 1944.

In the matter of Gladys Goldberg, an individual trading as Wakita Herb Company.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That W. W. Sheppard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, June 26, 1944, at ten o'clock in the forenoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-7904; Filed, June 1, 1944;
11:11 a. m.]

[Docket 5140]

NORTHERN KENTUCKY INDEPENDENT FOOD DEALERS ASSOCIATION, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 31st day of May, A. D. 1944.

In the matter of Northern Kentucky Independent Food Dealers Association, Inc., and its officers, as follows: Paul

Ogden, President, R. H. Godervis, Vice President, Larry T. Hiltz, Secretary, and Barney J. Malloy, Treasurer, and its members, including said officers and the following as representatives of the members: Virgil Clinkenbeard, George Stegner, T. C. Alpaugh, Richard Guenther, Daniel Roy, Charles Hendersman.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Webster Ballinger, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, June 23, 1944, at ten o'clock in the forenoon of that day (eastern standard time), in Court Room, Federal Building, Cincinnati, Ohio.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-7905; Filed, June 1, 1944;
11:11 a. m.]

[Docket 5164]

KETCHIKAN PACKING CO. and WILLIAM H. STANLEY, INC.

NOTICE OF HEARING

Complaint. The Federal Trade Commission, having reason to believe that the parties respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, have violated and are now violating the provisions of subsection (c) of section 2 of the Clayton Act, (U. S. C. Title 15, section 13) as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH ONE: Respondent Ketchikan Packing Company is a corporation organized and existing under the laws of the Territory of Alaska, with its principal office and place of business located in the City of Ketchikan, Territory of Alaska, where it has engaged and is engaged in the business of canning and packing canned salmon, which are thereafter shipped to Seattle, Washington, where the respondent maintains a general sales office, for labeling, warehousing, distribution and sale. This respondent is hereinafter designated as the respondent seller.

PAR. TWO: The respondent seller, since June 19, 1936, has engaged in the business of distributing and selling canned salmon, in its own name, and for its own account, for resale; to promote such sales and to distinguish its canned sal-

mon from the canned salmon sold by competitors, respondent seller utilizes registered trade-marks or brands, which brands are generally known to the trade as packers' or sellers' brands, as distinguished from the trade-marks or brands utilized by buyers, which brands are generally known to the trade as buyers' brands or private brands.

The respondent seller's brands are utilized by it to identify its canned salmon in the consumer's mind so that respondent seller may establish a market for its branded products and enhance and maintain the resulting benefits of consumer acceptance and good will created by its products.

The respondent sells and distributes its canned salmon under its own registered brands "Nemo", "Sea" and "K. P. Co.", and also sells and distributes such products under the private brands of its buyers and also under the private brands of its buyers' customers.

PAR. THREE: The respondent seller, since June 19, 1936, has distributed and sold and distributes and sells its canned salmon through direct sales to certain buyers, who are paid commissions or brokerage fees on purchases made by them in their respective names and for their respective accounts, and the respondent seller's method of distribution and sale to them, as hereinafter illustrated, is representative of the distribution and sales methods of a number of West Coast packers.

Such buyers customarily designate themselves as "brokers", "merchandise brokers", or as "primary distributors", although they are known to the trade as "buying brokers" or "speculative brokers". Such "buying brokers" or "speculative brokers" customarily operate by placing orders for merchandise with those sellers, and only with those sellers, who will grant and pay them commissions or brokerage fees on their own purchases, including purchases under their own private brands. Some of such buyers are large scale buyers and sellers of merchandise distributed under their own private brands, which brands usually show the name and address of the buyer but not of the packer, and identifies the merchandise as being the product of the respective buyer who owns the label.

Such buyers place their orders for merchandise with respondent seller and other sellers, who, on receiving and accepting such orders, deliver the merchandise to a common carrier for delivery, but require that the buyer pay the purchase price as a condition precedent to the delivery of the merchandise. If such merchandise is lost or damaged in transit, such buyers file claims in their own names and collect damages from the carrier for their own account.

On receipt of the merchandise, such buyers insure such merchandise and warehouse it in their own warehouses or in public warehouses, and thereafter generally utilize the warehouse receipts covering the merchandise, together with the insurance contract, as collateral or security to obtain bank loans.

Such buyers mask these operations under the fictionalized designation of "brokers", "merchandise brokers", or "primary distributors", for the sole purpose of coloring the name and method of their operation in order to collect commissions or brokerage fees from respondent seller and other sellers who will pay such buyers commissions or brokerage fees on their own purchases, notwithstanding the fact that it is well known to be the custom of such buyers to invoice and sell such merchandise in their own names, for their own accounts, at their own prices, and on their own terms, and to assume full and complete credit risks.

PAR. FOUR: Respondent William H. Stanley, Inc., is a corporation organized and existing under the laws of the State of New York with its principal office and place of business located at 103 East 125th Street, New York, New York. Since June 19, 1936, it has engaged in the business of buying for resale and selling for its own account and in its own name, canned salmon and other sea food products, and is one of the largest exclusive purchasers of sea food products in the United States. This respondent's method of purchase and sale, as herein illustrated, is generally representative of the purchase and sales methods of a number of the respondent seller's other buyers. This respondent at various periods since June 19, 1936, has utilized at its own expense considerable space in many public warehouses located in various sections of New York City and the States of New York and New Jersey, to store in its own name and for its own account its large, extensive and valuable stock of salmon and other sea food products. This respondent is hereinafter designated as respondent buyer.

PAR. FIVE: The respondent buyer since June 19, 1936, to promote its sales of canned salmon and other sea food products, to establish a demand and create good will for its own private brands of salmon and other sea food products, and to build up a business in its own name and for its own account under its own private brands as distinguished from the various packers' brands of salmon and other sea food products it buys and sells, has utilized several registered trade-marks as brands.

Some of the respondent buyer's private brands are:

Alasker
Fish Net
Sea Spray
Sermor
Eatmor
Upstream
Everfine
Good Buy
Our First
Stream King

The respondent buyer has created a wide demand for its salmon and other sea food products sold under its own private brands and is one of the largest, if not the largest private brand distributor of such products in the United States.

This respondent buys its private brand products from many packers, and often

in a given season, or during the same approximate period of time, will purchase canned salmon and other canned sea food products under one or more of its private brands from several competing sellers.

PAR. SIX: Respondent buyer, William H. Stanley, Inc., since June 19, 1936, in the course and conduct of its said business, has purchased in its own name and for its own account, for resale, a substantial portion of its requirements of packer's brands, its private brands and its customers' private brands of canned salmon products, from respondent seller Ketchikan Packing Company, which company is located, and distributes its commodities from states other than the state where the respondent buyer is located, and pursuant to said respondent buyer's purchase and said respondent buyer's instructions, such commodities are caused to be shipped and transported by the respondent seller across state lines to the respondent buyer, or to respondent buyer's customers.

The respondent buyer's purchases from the respondent seller are representative of the respondent buyer's purchases of salmon and other sea food products, since June 19, 1936, from the packers and distributors listed below, which commodities are purchased under the respective packers' brands, respondent buyer's own private brands, and respondent buyer's customers' brands:

Alaska Salmon Company, San Francisco, Calif.

Columbia River Packers Assn., Astoria, Oregon.

Coast Fishing Company, Wilmington, Calif.

Funsten & Company, San Francisco, Calif.

Halfhill Company, Ltd., Los Angeles, Calif.

E. H. Hamlin Company, Seattle, Wash.

H. A. Irving & Co., San Francisco, Calif.

L. P. Maggioni & Company, Savannah, Ga.

Marine Products Company, San Diego, Calif.

Parrott & Company, San Francisco, Calif.

PAR. SEVEN: Respondent seller, Ketchikan Packing Company, since June 19, 1936, in connection with the sale of its canned salmon, in interstate commerce, to respondent buyer, William H. Stanley, Inc., for its own account for resale, and to other buyers for their own account for resale, as hereinbefore set forth, has transmitted, paid and delivered, and does transmit, pay and deliver, directly or indirectly, to said respondent buyer, William H. Stanley, Inc., and to other buyers for their own respective accounts, commissions, brokerage or other compensation or allowances in lieu thereof, in substantial amounts, and respondent buyer William H. Stanley, Inc., since June 19, 1936, has received and accepted, and is now receiving and accepting commission, brokerage and other compensation or allowances in lieu thereof in connection with its purchases of canned salmon, in interstate commerce, from respondent seller Ketchikan Packing Company, and from other sellers from whom respondent buyer purchases and has purchased canned salmon and other sea food products in its own name, and for its own account, for resale.

PAR. EIGHT: The foregoing acts of respondent seller, Ketchikan Packing Company, in granting and paying commissions or brokerage fees on its sales of salmon to William H. Stanley, Inc., and to other buyers, and the foregoing acts of respondent buyer William H. Stanley, Inc., in receiving and accepting commissions or brokerage fees on its purchases of salmon from Ketchikan Packing Company, and from other sellers, are in violation of the provisions of subsection (c) of section 2 of the Clayton Act, as amended.

Wherefore, the premises considered, the Federal Trade Commission, on this 23rd day of May, A. D., 1944, issues its complaint against said respondents.

Notice. Notice is hereby given you, Ketchikan Packing Company, a corporation, and William H. Stanley, Inc., a corporation, respondents herein, that the 30th day of June, A. D., 1944, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance be not required, due notice to that effect will be given you. The rules of practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, with-

out further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer, the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 23d day of May, A. D. 1944.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-7806; Filed, June 1, 1944;
11:11 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 274]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.15, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, May 26, 1944, by National Produce Company of car WFE 63855, potatoes, now on the Chicago Produce Terminal, to Illinois State Penitentiary, Joliet, Illinois.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 26th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-7892; Filed, June 1, 1944;
11:05 a. m.]

[S. O. 200, Gen. Permit 0]

REICING OF POTATOES FROM GEORGIA

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Serv-

ice Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

On any refrigerator car loaded with potatoes originating at any point in the state of Georgia: at the carriers option, to accord the first or initial icing at a regular icing station en route after the car is loaded and billed; and to reice in transit one time only, to full bunker capacity at any regular icing station en route beyond the station where car was initially iced.

This general permit shall become effective at 12:01 a. m., May 30, 1944, and the icing and reicing authorized herein may be accorded on such refrigerator cars moving at that time. This general permit shall expire with June 30, 1944.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-7893; Filed, June 1, 1944;
11:05 a. m.]

[S. O. 200, Gen. Permit 7]

ICING OF POTATOES AT FORT SMITH, ARK., OR MONETT, MO.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

On any refrigerator car loaded with potatoes originating at those points in the States of Arkansas and Oklahoma located on the St. Louis-San Francisco Railway between Ft. Smith, Arkansas, and Wister, Oklahoma, both inclusive, at the carrier's option, to accord the first or initial icing at either Ft. Smith, Arkansas, or Monett, Missouri.

This general permit shall become effective at 12:01 a. m., May 31, 1944, and the icing authorized herein may be accorded on such refrigerator cars moving at that time. This general permit shall expire with July 31, 1944.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it

with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 30th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-7894; Filed, June 1, 1944;
11:05 a. m.]

[S. O. 200, Special Permit 24]

REICING OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To reice one time only, to full bunker capacity, at Chicago, Illinois, May 26, 1944, as ordered by National Produce Company, car NRC 4533, potatoes, originating in Mississippi, now on the Chicago Produce terminal, re-consigned to Philadelphia, Pennsylvania, because previous reconsigning orders, placed May 24, 1944, to divert this car to St. Louis, Missouri, were not executed.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 26th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-7895; Filed, June 1, 1944;
11:05 a. m.]

[S. O. 200, Special Permit 25]

REICING OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To reice one time only, to full bunker capacity, May 26, 1944, at Chicago, Illinois, as ordered by Bacon Brothers, car URT 9484, potatoes, originating in Louisiana, now on the Chicago Produce Terminal, diverted to Rock Island, Illinois.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the gen-

eral public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 26th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-7896; Filed, June 1, 1944;
11:05 a. m.]

[S. O. 200, Special Permit 26]

REICING OF POTATOES AT HUNTINGDON, PA.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To reice in transit, one time only, to full bunker capacity, at Huntingdon, Pennsylvania (Pennsylvania Railroad), car FGE 25848, potatoes, moving May 27, 1944 from North American Cold Storage Company, St. Louis, Missouri, to The Naval Supply Depot, Bayonne, New Jersey (routed Pennsylvania RR).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 27th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-7897; Filed, June 1, 1944;
11:05 a. m.]

[S. O. 200, Special Permit 27]

REICING OF POTATOES FROM HOOD RIVER, OREG.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To reice once in transit not to exceed 25 cars of potatoes shipped from storage at Hood River, Ore., via Union Pacific consigned to the U. S. Navy at San Francisco, California, six of the cars to be shipped May 27, others to follow.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car

service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 27th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-7898; Filed, June 1, 1944;
11:05 a. m.]

[S. O. 200, Special Permit 28]

REICING OF POTATOES AT SPARKS, NEV.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To reice in transit, one time only, to full bunker capacity, at Sparks, Nevada, (Southern Pacific Company) cars PFE 52651 and URT 10557, moving May 27, 1944, from Pocatello Cold Storage Company, Pocatello, Idaho, to Navy Overseas Freight Terminal, Pier 40, San Francisco, California (routed U. P.-S. P.).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 27th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-7899; Filed, June 1, 1944;
11:06 a. m.]

[S. O. 200, Special Permit 29]

REICING OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To reice one time only, to full bunker capacity, at Chicago, Illinois, May 29, 1944, as ordered by National Produce Company, cars MDT 21563 and NRC 10426, potatoes, now on the Chicago Produce Terminal, reconsigning to Philadelphia, Pennsylvania, and McKeesport, Pennsylvania, respectively.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American

Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-7900; Filed, June 1, 1944;
11:06 a. m.]

[S. O. 200, Special Permit 30]

REICING OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To reice one time only, to full bunker capacity, at Chicago, Illinois, May 29, 1944, as ordered by Edward H. Anderson and Company, cars FGEX 9127, PFE 43432, WFE 60385, and WFE 62488, potatoes, now on the Chicago Produce Terminal, because without ice and unable to unload before May 31, 1944.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-7901; Filed, June 1, 1944;
11:06 a. m.]

[S. O. 200, Special Permit 31]

REICING OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To reice one time only, to full bunker capacity, at Chicago, Illinois, May 29, 1944, as ordered by Bacon Brothers, car FGE 19351,

potatoes, now on the Chicago Produce Terminal, reconsigned to Defiance, Ohio.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-7902; Filed, June 1, 1944;
11:06 a. m.]

R. BREWER, ROUTE #1 MAYLENE, ALA., BREWER MINE, GHOLSON SEAM, MINE INDEX NO. 2009, SHELBY COUNTY, ALA., RAIL SHIPPING POINT: STRAVEN, ALA., SLOPE MINE

	Size group Nos.						
	1-2-3-4-5	6-8-10	7-9-11	12-14-15-16	13-19-20-21	17-18	22-23
Rail shipment and R. R. fuel-price group 6.....	\$3.59	\$4.89	\$4.70	\$3.50	\$3.80	\$3.70	\$3.00
Truck shipment-price group 2.....	5.05	4.75	4.55	4.25	4.15	4.00	3.65

GA. ALA., ROAD CONSTRUCTION CO. INC., 1501 COMER BLDG., BIRMINGHAM, ALA., HILLIARD NO. 1 MINE, MARY LEE SEAM, MINE INDEX NO. 3022, WALKER COUNTY, ALA., RAIL SHIPPING POINT: HILLIARD, ALA., STRIP MINE

Rail shipment and R. R. fuel-price group 1.....	\$3.50	\$3.50	\$3.40	\$3.45	\$3.35	\$3.40	\$3.20
Truck shipment-price group 7.....	4.29	4.35	4.15	3.80	3.70	3.75	3.40

PRATTON & DuBOISE, 2212 26TH AVENUE S., BIRMINGHAM, ALA., MINE INDEX NO. 2015 MARION COUNTY, ALA., PRATTON & DuBOISE, RAIL SHIPPING POINT: GLEN MARY, ALA., BLACK CREEK SEAM, STRIP MINE

Rail shipment and R. R. fuel-price group 7.....	\$5.09	\$5.10	\$5.00	\$4.35	\$4.25	\$4.25	\$4.15
Truck shipment-price group 1.....	5.25	4.75	4.75	4.40	4.20	4.15	4.05

TENNESSEE PRODUCTS CORP., MINE INDEX NO. 3021, AMERICAN NATIONAL BANK BLDG., NASHVILLE (3) TENN., MARION COUNTY, TENN., REEL'S COVE MINE, RAIL SHIPPING POINT: WHITWELL, TENNESSEE, SEWANEE SEAM, DEEP MINE

	Size group Nos.				
	1-2-3	4-5-6	7-8-9	10-11-12	13-14
Rail shipment and R. R. fuel-price group 10.....	\$4.00	\$3.70	\$3.40	\$3.20	\$2.80
Truck shipment-price group 9.....	4.75	4.00	3.75	3.45	3.40

This order shall become effective June 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-7863; Filed, May 31, 1944;
11:19 a. m.]

Regional and District Office Orders.
[Albany Order G-1 Under MPR 426, Amdt. 2]
FRUITS AND VEGETABLES IN ALBANY, N. Y., AREA

Amendment No. 2 to Order No. G-1 under section 8 (a) (7) of Maximum

OFFICE OF PRICE ADMINISTRATION.

[MPR 120, Order 795]

R. BREWER, ET AL.

ORDER ESTABLISHING MAXIMUM PRICES AND PRICE CLASSIFICATIONS

Order No. 795 under Maximum Price Regulation No. 120. Bituminous coal delivered from mine or preparation plant.

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120: *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices, for the indicated uses and shipments as set forth herein. All are in District No. 13. The location of each mine is given by county and state. Each producer is subject to all provisions of Maximum Price Regulation No. 120.

Price Regulation No. 426. Fresh fruits and vegetables for table use, sales except at retail. Amount of freight from basing point to wholesale receiving point allowed for determining maximum prices of certain fruit and vegetable items at points in the Albany District.

For the reasons stated in an opinion issued simultaneously herewith and pursuant to the authority contained in section 8 (a) (7) of Maximum Price Regulation No. 426, this amendment is hereby issued.

SECTION 1. *What this amendment does.* This amendment changes the amount of freight which may be added to the maximum basing point price for the purpose of determining the maximum selling prices of the food items set forth in section 3 (b) of Order G-1, as amended, at the secondary wholesale receiving point

of Granville, N. Y., and the markets which it serves.

SEC. 2. *Revocation.* Paragraph (b) of section 3 of said Order G-1, as amended, is hereby revoked and a new paragraph (b) is herewith substituted therefor.

SEC. 3. *The determination of the amount of freight allowed in establishing maximum selling prices.* * * * (b) The amount of freight from basing point to wholesale receiving point which may

be added to the maximum basing point price for the purpose of determining maximum selling prices of carrots, snap beans, spinach, cucumbers (except hot house), egg-plant, peas, sweet peppers, lettuce, oranges, grapefruit, lemons and tangerines, at the secondary wholesale receiving point hereinafter named, and in the markets which they serve, shall be:

Commodity	Package	Amsterdam, Catskill, Gloversville, Hudson, Johnstown, Saratoga & Cobleskill	Canajoharie, Glens Falls, Kingston, Whitehall & Granville	Saranac Lake, Plattsburg & Malone
Carrots.....	LaCrate.....	1.60	1.64	1.78
Carrots, topped.....	bushel.....	.98	1.01	1.09
Snap Beans.....	bushel.....	.82	.84	.89
Spinach.....	bushel.....	.38	.39	.42
Cucumbers (except Hot House).....	bushel.....	1.06	1.15	1.21
Eggplant.....	bushel.....	.87	.89	.95
Eggplant.....	1½ bushel.....	1.13	1.16	1.25
Peas.....	bushel.....	1.01	1.02	1.07
Sweet Peppers.....	1½ bushel.....	1.02	1.03	1.11
Sweet Peppers.....	bushel.....	.74	.75	.80
Lettuce.....	LaCrate.....	1.67	1.69	1.82
Oranges, Fla. & Texas.....	Crate or box.....	1.21	1.26	1.41
Oranges, Calif.....	Crate or box.....	1.44	1.48	1.61
Grapefruit, white, Fla. & Texas.....	Crate or box.....	1.16	1.20	1.34
Grapefruit, white, Calif.....	Crate or box.....	1.29	1.33	1.44
Grapefruit, pink.....	Crate or box.....	1.43	1.47	1.61
Lemons, All States.....	Crate or box.....	1.47	1.51	1.65
Tangerines, All States.....	Crate or box.....	1.23	1.28	1.42

SEC. 4. Except as otherwise expressly stated herein, all other provisions of said Order G-1 (as amended) remain in full force and effect.

SEC. 5. *Effective date.* This amendment shall become effective on the 26th day of May 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; MPR 426, 8 F.R. 16409)

Issued this 22d day of May 1944.

LESTER W. HERZOG,
District Director.

[F. R. Doc. 44-7872; Filed, May 31, 1944;
1:13 p. m.]

[Lexington Order G-1 Under MPR 285]

IMPORTED FRESH BANANAS IN LEXINGTON, Ky.

Order No. G-1 under Maximum Price Regulation No. 285. Imported fresh bananas; sales except at retail.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1351.1254a (b) of Maximum Price Regulation No. 285 and by him delegated to the District Director of the Lexington District under the provisions of Delegation Order 1-A, Revised; *It is hereby ordered:*

In any instance where there is hauling of imported fresh bananas for sales except at retail from a wholesaler's customary receiving point to his place of business or to his ripening facilities, such wholesaler may adjust his maximum prices upward to include the actual cost of such hauling, not to exceed 35 cents per hundredweight.

This order does not provide for any charge or addition for the cost of local

hauling within the free delivery zone surrounding the wholesaler's customary receiving point.

This order shall become effective May 18, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this the 18th day of May 1944.

E. REED WILSON,
District Director.

[F. R. Doc. 44-7873; Filed, May 31, 1944;
1:13 p. m.]

[Duluth-Superior Order G-1 Under MPR 426 and MPR 285]

FRESH FRUITS AND VEGETABLES IN DULUTH-SUPERIOR, MINN.-WIS., AREA

District Order No. G-1 under § 1439.3-15 Appendix H (f), Appendix I (g) of Maximum Price Regulation No. 426, and § 1351.1254a (a) of Maximum Price Regulation No. 285, as amended. Delivery differentials for wholesalers and secondary jobbers of certain fresh fruits and vegetables located in the cities of Duluth, Hibbing, Virginia, Bemidji, and Brainerd, Minnesota; and Superior and Ashland, Wisconsin.

For the reasons set forth in an opinion issued simultaneously herewith and under authority of the delegation orders issued by the Regional Administrator of the Office of Price Administration for Region VI at Chicago, Illinois, on the 14th day of February, 1944, effective February 14th, 1944, on the 29th day of February, 1944, effective February 29th, 1944, and on the 24th day of March, 1944, effective March 24th, 1944, delegating to the District Director of the Duluth-Superior District Office of the Office of Price Administration the authority

vested in the Regional Administrator for Region VI of the Office of Price Administration, by §§ 1439.3-15, Appendix H (f), Appendix I (g) of Maximum Price Regulation No. 426, and § 1351.1254a (a) of Maximum Price Regulation No. 285, as amended, it is hereby ordered:

(a) *What this order does:* This order determines the limits of the free delivery zones at the wholesale receiving points of Duluth, Hibbing, Virginia, Bemidji, and Brainerd, Minnesota, and Ashland and Superior, Wisconsin. It also establishes differentials for non-delivered sales in the free delivery zones and for delivered sales beyond the free delivery zones. The order applies to such fresh fruit and vegetable items as are now or may hereafter be subject to the pricing provisions of Maximum Price Regulation No. 285, as amended, and Appendices H and I of Maximum Price Regulation No. 426. The only sellers who are subject to this order are those wholesalers who price under Maximum Price Regulation No. 285, as amended, and secondary jobbers and service wholesalers, as these terms are used in Appendices H and I of Maximum Price Regulation No. 426.

(b) *Establishment of free delivery zones.* (1) The free delivery zones established by this order shall be as follows:

(i) For wholesalers and secondary jobbers located in the Cities of Duluth, Minnesota, or Superior, Wisconsin, all the areas located within the corporate boundaries of said Cities of Duluth and Superior, and the Village of Proctor, Minnesota, and the Town of Superior, Wisconsin.

(ii) For wholesalers and secondary jobbers located in the City of Hibbing, Minnesota, all the area located within the corporate boundaries of the City of Hibbing, Minnesota.

(iii) For wholesalers and secondary jobbers located in the City of Virginia, Minnesota, all the area located within the corporate boundaries of the City of Virginia, Minnesota.

(iv) For wholesalers and secondary jobbers located in the City of Bemidji, Minnesota, all the area located within the corporate boundaries of the City of Bemidji, Minnesota.

(v) For wholesalers and secondary jobbers located in the City of Brainerd, Minnesota, all the area located within the corporate boundaries of the City of Brainerd, Minnesota.

(vi) For wholesalers and secondary jobbers located in the City of Ashland, Wisconsin, all the area located within the corporate boundaries of the City of Ashland, Wisconsin.

(2) The zones in which charges may be made for delivery are the area outside the free delivery zones.

(c) *Differentials for non-delivered and delivered sales of items listed in Appendices H and I of Maximum Price Regulation No. 426—*(1) *Non-delivered sales.* For sales on a non-delivered basis there shall be deducted from the price for delivered sales in the free delivery zone, 5¢ per container for standard shipping containers weighing under 50 pounds gross weight, and 10¢ per container for standard shipping containers

weighing 50 pounds or over gross weight. A deduction of 2¢ or 5¢, respectively, shall be made for non-delivered sales of half standard shipping containers or more, or for bulk sales weighing as much as or more than half a standard container of the item being sold. No deduction need be made for sales in less than half containers and for bulk sales which weigh less than half a standard container of the item being sold.

(2) *Delivered sales in the free delivery zone.* For deliveries in the free delivery zone the maximum delivered price shall be the maximum delivered price computed under Maximum Price Regulation No. 426 for the type of sale being made without any deduction from or addition thereto.

(3) *Delivered sales beyond the free delivery zone.* For deliveries beyond the free delivery zone the amount set out below may be added to the price for delivered sales in the free delivery zone. Mileage beyond the free delivery zone shall be computed via the nearest publicly traveled route.

All containers and in bulk	50 miles or less beyond free delivery zone	More than 50 but not more than 75 miles beyond free delivery zone	More than 75 miles beyond free delivery zone
Gross weight...	25¢ per cwt.	30¢ per cwt.	35¢ per cwt.

(d) *Differentials for non-delivered and delivered sales of items under Maximum Price Regulation No. 285, as amended—*

(1) *Non-delivered sales and delivered sales in the free delivery zone.* For non-delivered sales and for deliveries in the free delivery zone the maximum price shall be the maximum delivered price computed under Maximum Price Regulation No. 285, as amended, for the type of sale being made. Discounts and price differentials including any differential or discounts for f. o. b. seller or non-delivered sales must be maintained.

(2) *Delivered sales beyond the free delivery zone.* For deliveries beyond the free delivery zone the amount set out below may be added to the price for delivered sales in the free delivery zone. Deliveries beyond the free delivery zone shall be computed via the nearest publicly traveled route. Delivery charge shall be computed for the net weight of bananas delivered.

	50 miles or less beyond free delivery zone	More than 50 but not more than 75 miles beyond free delivery zone	More than 75 miles beyond free delivery zone
Net weight.	25¢ per cwt.	30¢ per cwt.	35¢ per cwt.

(e) *Applicability.* No person subject to this order may deliver or offer to deliver to retailers any of the food items, the delivery of which is covered by this order, at a price for delivery higher than the price for the delivery of such items fixed in this order.

(f) *Evasion.* No person subject to this order may evade any of the provisions of this order by any stratagem, scheme or device. No person may, as a condition

of selling and delivering any particular item of the food items, the delivery of which is covered by this order, require a customer to buy anything else. Any such evasion is punishable as a violation of this order.

(g) *Information for retailers buying from wholesalers or secondary jobbers located outside the areas covered by this order.* Inasmuch as this order applies only to wholesalers and secondary jobbers located within the areas defined in section (a) of this order, any retailer buying from a wholesaler or secondary jobber who is located outside of that area, may obtain a copy of the order applying to such wholesaler or secondary jobber, upon request to the nearest War Price and Rationing Board or the nearest OPA District Office.

(h) *Enforcement.* On and after the effective date of this order, any person covered by this order, who delivers or offers to deliver any of the food items, the delivery of which is covered by this order, at a price for delivery higher than the ceiling price permitted by this order, or otherwise violates any of the provisions of this order, shall be subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages as provided for by the Emergency Price Control Act of 1942, as amended. In addition, any person who, in the course of trade or business, buys from a person covered by this order at a price higher than the ceiling price permitted by this order, is subject to the criminal penalties and enforcement actions provided by that act.

(i) *Definitions.* "Delivery" means delivery to the physical premises of a retail store, hotel, restaurant or institution.

Unless the context otherwise requires, the terms used herein shall have the same meaning as given them in Maximum Price Regulation No. 285, as amended, and Maximum Price Regulation No. 426.

(j) This order may be revoked, revised, amended or corrected at any time.

(k) *Effective date.* This order shall become effective on June 5, 1944.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 22d day of May 1944.

P. A. BURKE,
District Director.

Approved by:

E. O. POLLOCK,
Regional Director,
War Food Administration.

[F. R. Doc. 44-7875; Filed, May 31, 1944; 1:15 p. m.]

[Region I Order G-14 Under RMPR 122, Amdt. 5]

SOLID FUELS IN LOWELL, MASS., AREA
Correction

In F.R. Doc. 44-7232, appearing on page 5456 of the issue for Tuesday, May 23, 1944, under the column headed "100 lbs." in the first table the price for pea size coke should be "\$0.75."

[Region IV Order G-1 Under MPR 452, Amdt. 1]

REBUILT AUTOMOBILE MOTORS IN ATLANTA REGION

Amendment No. 1 to Order No. G-1 under Maximum Price Regulation No. 452. Manufacturers' maximum prices for automotive parts. Adjustment of maximum prices for the sale of rebuilt automobile motors in Region IV.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by section 16 (b) of Maximum Price Regulation No. 452 and paragraph (g) of Order No. G-1, It is hereby ordered, That said Order No. G-1 be amended by adding thereto two new subparagraphs designated as paragraphs (b) (5) and (e) (3) as set forth below:

(b) * * *

(5) The statement required in 1 and 2 of this paragraph (b) shall be filed in duplicate.

(e) * * *

(3) As used in this order the term "automobile motors" includes motors of passenger automobiles, trucks, and buses.

This Amendment No. 1 to Order No. G-1 shall become effective May 8, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued May 20, 1944.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 44-7874; Filed, May 31, 1944; 1:13 p. m.]

[Region II Order G-2 Under MPR 426]

LETTUCE IN NEW YORK REGION
Correction

In F.R. Doc. 44-6968, which appears on page 5282 of the issue for Wednesday, May 17, 1944, the last word in the seventh line of sec. 3 should read "provisions."

[Region VI Order G-36 Under MPR 329]

FLUID MILK IN SPRINGFIELD, ILL.

Order No. G-36 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk. Producers' milk prices in Springfield, Illinois.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.403 (b) of Maximum Price Regulation No. 329, it is hereby ordered:

(a) *Maximum producer prices.* The maximum price which milk distributors may pay to producers for milk sold for human consumption in fluid form shall be \$3.05 per cwt. for 4% butter fat test milk, plus not more than 5¢ for each 1/10 of a pound of butter fat in excess of 4% and minus not less than 5¢ for each 1/10 of a pound of butter fat below 4%.

(b) *Applicability of producer prices.* Maximum prices established by paragraph (a) of this order shall apply to all purchases of milk from producers for resale for human consumption in fluid form by distributors whose bottling plants are located within Springfield, Illinois, or who sell within that city 50% or more of the milk sold by them. Maximum prices provided in paragraph (a) of this order shall apply only to purchases from producers from whom distributors covered by this order purchased fluid milk during the period from August 1, 1943, to December 31, 1943, and are not applicable to purchases from producers who did not in that period sell to distributors covered by this order. Maximum prices for purchases from producers from whom the distributors covered by this order did not purchase during such period, shall be the maximum prices established under MPR No. 329.

(c) *Definitions.* Unless the context otherwise requires, the definitions set forth in § 1351.404 of Maximum Price Regulation No. 329 and section 304 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(d) *Relation to Office of Price Administration regulations.* No purchaser shall pay a larger proportion of transportation costs incurred in the delivery or supply of milk than he paid on deliveries during January 1943. Except as modified by this order, the provisions of Maximum Price Regulation No. 329 shall remain in full force and effect and shall not be evaded by any change in the customary delivery practices or other business or trade practices in effect in January 1943.

(e) *Revocability.* This order may be revoked, amended, or corrected at any time.

This order has been approved by the Regional Director of the War Food Administration.

This order shall become effective on the 10th day of May 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of May 1944.

R. E. WALTERS,
Regional Administrator.

[F. R. Doc. 44-7876; Filed, May 31, 1944;
1:20 p. m.]

[Region VII Order G-3 Under MPR 121,
Amdt. 2]

SOLID FUELS IN DENVER REGION

Order No. G-3 under Maximum Price Regulation No. 121, Amendment No. 2. Miscellaneous solid fuels delivered from producing facilities.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.247a (b) of Maximum Price Regulation No. 121, as amended, and for the reasons set forth in the accompanying opinion, this Amendment No. 2 is issued.

1. Amendment No. 1, issued on May 10, 1943, is hereby revoked as of the effective date of this Amendment No. 2.

2. Paragraph (b), "Sizes and prices", of said Order No. G-3 is hereby amended to read as follows:

(b) Sizes and prices.	Per ton
No. 1 Anthracite grate coal.....	\$9.55
No. 2 Anthracite egg coal.....	9.55
No. 3 Anthracite stove coal.....	9.55
Baseburner Anthracite coal.....	9.55
No. 7 Anthracite pea coal.....	5.55
No. 8 Anthracite buckwheat coal.....	4.05
No. 9 Anthracite chestnut coal.....	7.55
No. 10 Anthracite Duff coal.....	4.05

3. *Effective date.* This Amendment No. 2 to Order No. G-3 shall become effective May 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 8th day of May 1944.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 44-7877; Filed, May 31, 1944;
1:15 p. m.]

[Region VII Rev. Order G-41 Under 18 (c)]

FRUIT AND VEGETABLE CRATES AND BOXES IN DENVER, COLO., AREA

Correction

In F. R. Doc. 44-6967, appearing at page 5284 of the issue for Wednesday,

May 17, 1944, the effective date in paragraph (b) should read April 26, 1944.

[Region VIII Order G-95 Under 18 (c)]

PAPERBOARD EGG CARTONS IN SAN FRANCISCO REGION

Order No. G-95 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Adjusted maximum prices for sales by wholesale grocers of paperboard 3" x 4" egg cartons manufactured by the Pacific Paperboard Corporation.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c), as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The adjusted maximum prices at which wholesale grocers may sell paperboard 3" x 4" egg cartons manufactured by the Pacific Paperboard Corporation shall be the particular wholesale grocer's present maximum price plus 50¢ per thousand egg cartons.

(b) This order may be revoked, amended, or corrected at any time.

This order shall become effective five days after date of issuance.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 25th day of May 1944.

CHAS. R. BAIRD,
Acting Regional Administrator.

[F. R. Doc. 44-7880; Filed, May 31, 1944;
1:14 p. m.]

[Region VIII Order G-13 Under MPR 165]
AUTOMOTIVE VEHICLES IN SAN FRANCISCO REGION

NOTE: A correction to the opinion accompanying Order No. G-13 under Maximum Price Regulation No. 165, as amended, was filed with the Division of the Federal Register as F.R. Doc. 44-7879 at 1:14 p. m., May 31, 1944.